

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

UNITED STATES OF AMERICA)	
)	DOCKET NO. 6:18cr16
-vs-)	
)	Texarkana, Texas
)	2:06 p.m.
HEON JONG YOO)	October 10, 2018

TRANSCRIPT OF MOTION HEARING
BEFORE THE HONORABLE ROBERT W. SCHROEDER III,
UNITED STATES DISTRICT JUDGE

A P P E A R A N C E S

FOR THE GOVERNMENT:

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1 P R O C E E D I N G S

2 THE COURT: Please be seated.

3 Mrs. Schroeder, if you would, call the case for
4 us.

5 THE CLERK: Docket No. 6:18cr16, United States of
6 America vs. Heon Jong Yoo.

7 THE COURT: Announcements for the record.

8 MR. COAN: Your Honor, good afternoon. Frank Coan
9 for the United States. I am joined at counsel table by my
10 co-Counsel, AUSA Lucas Machicek; and Special Agent Jim Reed
11 with ATF.

12 THE COURT: Good afternoon, Mr. Coan. Welcome.

13 Mr. Yoo, I know that you are here this afternoon
14 and representing yourself.

15 MR. YOO: Yes, sir, I am.

16 THE COURT: All right. You may be seated.

17 Mr. Haas, you have been appointed by Judge Mitchell
18 as Standby Counsel in this matter, and I note your presence
19 this afternoon.

20 MR. HAAS: Thank you, Your Honor. This may be a
21 good time to delineate the parameters of my responsibilities.
22 Unfortunately, I was Standby Counsel in a death penalty
23 case and --

24 THE COURT: Mr. Haas, let me suggest you go to the
25 podium.

1 MR. HAAS: Sure.

2 MR. YOO: Your Honor --

3 THE COURT: Mr. Yoo, if you are going to address
4 the Court, you need to be standing, please.

5 MR. YOO: Your Honor, after him I would like to
6 address the Court, please.

7 THE COURT: I will allow you to do that.

8 MR. YOO: I appreciate it.

9 MR. HAAS: Basically, Your Honor, I got a call from
10 Judge Mitchell's office. I, obviously, wasn't at the hearing
11 when Mr. Yoo was allowed to represent himself, and I was
12 appointed as Standby Counsel.

13 It is my understanding that there are basically
14 three roles that Standby Counsel fills. The first role,
15 Standby Counsel can argue case -- or argue motions in front
16 of the Court, but can't do anything that infringes on the
17 Defendant's right in front of a jury.

18 THE COURT: I agree with that.

19 MR. HAAS: The second role is basically being a
20 gofer for the Defendant.

21 The third role is basically doing nothing but
22 waiting until, or if, the Defendant relinquishes his right to
23 self-representation or the Court terminates that right under
24 Indiana v. Edwards.

25 And I was a little bit confused because earlier I

1 was sitting out in the gallery, and I was asked to sit at
2 Counsel table, so I think it would be a good idea, just so
3 Mr. Yoo understands and I understand, just what my roles are,
4 what am I supposed to do.

5 THE COURT: Well, I didn't appoint you as Standby
6 Counsel, Mr. Haas.

7 MR. HAAS: I understand.

8 THE COURT: And I certainly don't know what other
9 understandings you may have been under at some point. I am
10 relatively new to the case, although it is set for trial next
11 month, as you know.

12 I agree with you that those, in general, are the
13 three, you know, types of categories that Standby Counsel may
14 fall into. I think to some extent it depends on how the case
15 develops and to some extent it depends on what Mr. Yoo's
16 wishes are.

17 My concern, in particular, is, if Mr. Yoo's motion
18 to appeal the detention ruling is denied and he remains in
19 detention pending trial, he is going to need some assistance
20 in preparation for trial. And that would be a role I would
21 hope you as a member of this Court and as duly-appointed
22 Standby Counsel would be able to fulfill.

23 MR. HAAS: And I have visited with Mr. Yoo about
24 that. I have told him that I certainly would be willing to
25 print off case law, provide any resources so he can

1 adequately prepare his defense.

2 THE COURT: All right.

3 Mr. Yoo, I'll be glad to hear from you.

4 MR. YOO: Yes, sir. Your Honor, I would like to
5 address the Court. I would like three points. First of all,
6 where is Ms. Tina Simmons, my witness, is she here?

7 THE COURT: I don't know.

8 MR. YOO: She is supposed to be here from the 1st
9 Choice Bail Bonds. I called her and she agreed to be here.

10 THE COURT: I don't know, is Ms. Simmons in the
11 courtroom? It doesn't appear that she is in the courtroom.

12 MR. YOO: Would someone contact her?

13 MR. HAAS: You know what --

14 THE COURT: Did you subpoena her for -- to compel
15 her attendance this afternoon?

16 MR. YOO: No, sir. I mean, she did tell me up to
17 yesterday that -- that she was going -- she was going to be
18 here actually.

19 THE COURT: Perhaps she will come in shortly.

20 MR. YOO: Yes, sir.

21 Second, pursuant to Federal Rules of Criminal
22 Procedure Rule fifty -- I'm sorry, Rule 49, 49 -- 49(a),
23 Alfa: A party must serve on every other party any written
24 motion, written notice, designation of record on appeal, or
25 similar paper how made. Service must be made in a manner

1 provided for a civil action.

2 I would like to take -- I mean, request the
3 Court to take --

4 THE COURT: Mr. Yoo --

5 MR. YOO: Official notice.

6 THE COURT: -- Mr. Yoo, I don't mean to interrupt
7 you, but I will have some preliminary comments I want to make
8 about how I hope the afternoon will proceed. What I was
9 hoping you were wanting to do at this point was to respond to
10 what Mr. Haas said initially. I will be glad to hear any
11 argument you have to make about anything else at a later
12 point in the afternoon.

13 But before we get into the preliminaries, do you
14 have anything you want to say with respect to Mr. Haas's
15 statements to the Court earlier or your view of his role of
16 Standby Counsel?

17 MR. YOO: Yes, sir. Since Gregg County Jail lacks
18 law library Internet access or any adequate method of
19 communication, I need it, I strongly need adequate Standby
20 Counsel to be my legal assistant, yes, sir.

21 THE COURT: Thank you, Mr. Yoo. I have
22 anticipated -- obviously, I have read your appeal in this
23 case, your motion to appeal detention.

24 MR. YOO: Yes, sir.

25 THE COURT: You make reference in that motion to

1 the law library facilities, and that is something that I am
2 taking under advisement, and I am investigating what other
3 opportunities there may be for you to be housed at a facility
4 where you can have those resources available so that you can
5 prepare your case for trial.

6 In the meantime and until he is released, my view
7 of it is that Mr. Haas should continue to play that role for
8 you and to provide any assistance and advice he can do -- he
9 can provide for you in terms of preparing your case for
10 trial.

11 MR. YOO: Yes, sir.

12 THE COURT: All right. Very well.

13 MR. YOO: Thank you, sir.

14 THE COURT: All right. So any comments by the
15 Government with respect to any of that, Mr. Coan?

16 MR. COAN: No, Your Honor. Thank you.

17 THE COURT: All right.

18 Now, let me make just a couple of comments before
19 we proceed. As I have mentioned earlier, this matter is set
20 for jury selection and trial beginning November the 13th of
21 2018 at 9:00 a.m. in Tyler. We are set for a pretrial
22 conference in -- also in Tyler on November the 5th,
23 approximately a week before that.

24 There is a chance we may move that pretrial
25 conference to Texarkana. We will just see how the

1 calendaring for that week proceeds. But at this point it is
2 set in Tyler.

3 I have very carefully gone through the motion for
4 appeal of the detention order that Mr. Yoo has filed, as well
5 as the Government's response.

6 Just by way of background -- and I don't know that
7 this is necessary, but I think that -- I want to make sure I
8 understand exactly procedurally where we are today --
9 Mr. Yoo, the Defendant, was charged in a federal --

10 You may be seated, Mr. Yoo.

11 -- was charged in a federal criminal complaint on
12 April 6th, 2018, with violations of 18 USC Section 922(a)(6)
13 related to false statements during the purchase of a firearm,
14 and 18 USC Section 924(a)(1)(A) with respect to false
15 statements concerning information required to be kept by a
16 federal firearms licensee.

17 He was arrested that same day and brought before
18 Judge Love for an initial appearance. Mr. Hawk of the Public
19 Defender's Office was appointed to represent him.

20 The Government did move for detention, and a
21 hearing was held shortly thereafter on April the 12th.

22 The -- or a hearing was set for April 12th.

23 In the meantime, Mr. Yoo and Mr. Hawk executed a
24 waiver of the detention hearing. That was on April the 9th.
25 And Judge Love entered the detention order the following day.

1 On April 18th of 2018, the Grand Jury in the
2 Eastern District of Texas returned a seven-count Indictment
3 against Mr. Yoo. He was charged with five violations of
4 924(a)(1)(A) and two violations of 922(a)(6). The
5 924(a)(1)(A) counts carry terms of imprisonment of up to five
6 years and the 922(a)(6) counts carries a term of imprisonment
7 of up to ten years.

8 Judge Love held an initial appearance and
9 arraignment, and Mr. Yoo was present for that, along with his
10 newly-retained Counsel Mr. Hawk -- I think had filed a motion
11 to withdraw, which was -- or a motion to substitute, which
12 had been granted; and a Mr. Mickelson and Mr. Broden were
13 retained, I think, personally to represent Mr. Yoo going
14 forward.

15 During the hearing on April the 23rd, the initial
16 appearance and arraignment, Mr. Yoo's attorney requested that
17 the matter of detention be reopened, and a detention hearing
18 was set for April 30, 2018.

19 The detention hearing, in fact, did go forward on
20 that day, and there was testimony presented, I believe, from
21 three law enforcement witnesses.

22 And the Court thereafter determined that the
23 grounds for detention were present in the case and ordered
24 the Defendant detained until trial.

25 Now, following that, as I said, Mr. Yoo filed a

1 motion to appeal the detention, which is Docket No. 47 in the
2 case. And the Government thereafter filed a response to
3 that, Docket No. 58.

4 I don't believe a reply has been filed to that.
5 Has it, Mr. Yoo?

6 MR. YOO: It has, sir, actually.

7 THE COURT: A reply has been filed?

8 MR. YOO: Yes.

9 THE COURT: So having said those preliminary
10 comments, we are, of course, on a de novo review of the
11 detention order. And I am certainly open to the parties'
12 thoughts about how we proceed.

13 Obviously, I have read the transcript from the
14 detention hearing before Judge Love and am permitted to rely
15 upon that transcript, but I am also sensitive to the fact
16 that the Government may wish to put on its witnesses today,
17 considering this is a de novo hearing.

18 Mr. Coan?

19 MR. COAN: Thank you, Your Honor.

20 The Government does have witnesses present and
21 available to testify. This is a de novo review, as the Court
22 is aware and has stated for the record.

23 The Government believes that there is a sufficient
24 record on which the Court could rule on the pending motion.

25 However, we are willing to put forth witness

1 testimony if the Court is interested in that. I will add
2 that we have a law enforcement witness, and we have a
3 third-party witness, who are both present.

4 Special Agent Jim Reed is the law enforcement
5 witness. And I would say, in all candor, if he testified
6 this afternoon, it would be largely consistent with the
7 testimony that was offered on April 30th, 2018, and certainly
8 the basis for Judge Love's detention order, if the Court is
9 willing to hear that testimony.

10 THE COURT: I guess I -- I don't have strong
11 feelings about it, Mr. Coan. If I had my druthers, I think
12 probably the better practice would be to put the witness on,
13 and let me hear him and observe him, and then give Mr. Yoo an
14 opportunity to ask him questions he wants, of the witness.

15 Is that acceptable --

16 MR. COAN: That's why --

17 THE COURT: -- to the Government?

18 MR. COAN: That's why -- I'm sorry to speak over
19 you. That is why we have the witnesses here and available,
20 and we are ready to proceed as the Court --

21 THE COURT: Mr. Yoo, how does that sound to you?

22 MR. YOO: Objection, Your Honor. Coan actually
23 served me no witness list. Actually, he uploaded the witness
24 list on -- on 5th. For unknown reasons, it was rejected.
25 And then Coan refiled the witness list on the 9th.

1 Pursuant to the Federal Rules of Criminal
2 Procedure, Rule 49, both parties must be served -- served
3 paperwork in order for both parties to, like, you know,
4 prepare for like cross-examination. This is a -- a direct
5 violation of my due process. I would like every single one
6 of his witnesses be stricken. And I would like Coan to be
7 sanctioned --

8 THE COURT: Mr. --

9 MR. YOO: -- under the Rules of Federal Civil
10 Procedure, 11 Bravo --

11 THE COURT: Mr. Yoo, this motion this afternoon is
12 -- or this hearing this afternoon relates to your appeal of
13 the detention. So let's try to focus your arguments on
14 that.

15 MR. YOO: Yes, sir, so --

16 THE COURT: So my recollection, and I could be
17 corrected by either of you gentlemen, was that you had made a
18 request that the witnesses for today's hearing be disclosed
19 prior to today's date.

20 MR. YOO: Yes, sir.

21 THE COURT: And the Court granted that order,
22 correct?

23 MR. YOO: Yes, sir. I actually sent Coan a
24 personal mail four weeks ago. And since -- since he didn't
25 disclose any witness list following that, I -- I filed the

1 motion to compel. And then --

2 THE COURT: Which the Court granted.

3 MR. YOO: Yes, sir.

4 THE COURT: So the witnesses were disclosed, I
5 think, well in advance of today's hearing.

6 MR. YOO: Negative, sir.

7 THE COURT: I'm sorry?

8 MR. YOO: Negative, sir. The first -- Coan
9 uploaded his first witness list on the 5th, October 5th,
10 which was rejected by the docket. And then -- for unknown
11 reasons, it was rejected. And then he filed another witness
12 list on the 9th. That is not an adequate time to prepare
13 for, like, such things as, like, the cross-examination.

14 So, yes, I would like every single one of those
15 witnesses be stricken.

16 THE COURT: That will be denied.

17 All right. The question that I have for you is,
18 Mr. Yoo, I know you want to make an argument in support of
19 your motion to appeal the detention.

20 Would you prefer to make that now? Would you
21 prefer to have the testimony come in, and then after you have
22 had an opportunity to ask any questions on cross-examination
23 you want to, give a short summation of your argument?

24 How is it you would like to proceed?

25 MR. YOO: I would like to make some of it now.

1 THE COURT: You would like to make what?

2 MR. YOO: Some of those arguments now.

3 THE COURT: Okay.

4 MR. YOO: I would like the Court to take judicial
5 notice pursuant to the Federal Rules of Evidence Rule 201 of
6 3142 -- sorry, US -- 18 USC 3142.

7 And the Judge Love's pretrial -- temporary
8 detention order pursuant to this code is unlawful since it is
9 as -- such person is and was at the time the offense was
10 committed, released pending trial for a felony under federal,
11 state, or local law, released in the imposition or execution
12 of sentence, appeal -- sorry -- appeal of sentence or
13 conviction or completion of sentence. Offense under federal,
14 state, or local law, probation or parole for any offense in
15 the federal, state, or local law.

16 (B) is not a citizen of the United States or
17 lawfully admitted for permanent residence, as defined under
18 Section 101 Alfa (20) of Immigration and Nationality Act of
19 8 U.S. Code 1101 Alfa (20).

20 And (2) such person may flee or pose a danger to
21 any other person or the community.

22 Your Honor, I would like to make some exhibits
23 here.

24 THE COURT: Some what?

25 MR. YOO: Exhibits.

1 THE COURT: Well, I will allow you to present
2 testimony -- I mean, I will allow you to put into evidence
3 whatever you want to when we get into the point where we are
4 taking testimony.

5 So the way this will work is, if you want to make a
6 little preliminary statement right now, I am glad to hear
7 that. And then Mr. Coan may do the same.

8 I will allow Mr. Coan to put the Government's
9 witnesses on. I will give you an opportunity to
10 cross-examine those witnesses.

11 When Mr. Coan has presented the Government's
12 evidence, I will allow you to put on any evidence you want,
13 whether in the form of testimony from the witness stand or
14 any exhibits that you want to get admitted into the record.

15 And then following that, I will give you both an
16 opportunity to follow up. That is kind of how I envision the
17 afternoon going.

18 MR. YOO: Yes, sir, again, I would like to continue
19 with my preliminary.

20 THE COURT: Sure.

21 MR. YOO: So pursuant to federal -- sorry. 18 USC
22 3142, I was actually entitled to bail since initial
23 appearance. I have no criminal history. I am not risk of
24 flight nor danger to the others. And at any given point of
25 this case, Coan failed to prove, prove that I am -- I am

1 either a flight risk or a danger to the --

2 THE COURT: Mr. Yoo, I am going to require Mr. Coan
3 to address you as Mr. Yoo. Let me suggest that you address
4 him as Mr. Coan.

5 MR. YOO: All right. Yes, sir.

6 And if you look at the section Foxtrot and --
7 sorry, section Echo, it describes the categories of defendant
8 subject to detention. Section Foxtrot (1) and (2), it
9 describes categories of Defendants subject to detention
10 hearing.

11 So, pursuant to them, I am -- I am neither charged
12 with a crime, that crime for which the maximum sentence is
13 life imprisonment or death, an offense for which a maximum
14 term of imprisonment is ten years or more, is prescribed in
15 the Controlled Substance Act and the Controlled Substances
16 Import and Export Act, and any felony if such a -- if such
17 person has been convicted of two or more offenses described
18 in subparagraphs (A) through (C) of this paragraph -- where
19 two or more state or local offenses that would have been
20 offenses described in Paragraphs (A) through (C) of this
21 paragraph if a circumstance giving rise to the federal
22 jurisdiction had existed or a combination of such offenses or
23 any felony that is not otherwise a crime of violence that
24 involves a minor victim or that involves the possession or
25 use of a firearm or destructive device or any other dangerous

1 weapon or involves a failure to register under Section 2250
2 of Title 18 of United States Code; or

3 (2) Upon motion of attorney for the Government or
4 upon the judicial officer's own motion in the case that
5 involves:

6 (A) a serious risk that such person will flee, or

7 (B) a serious risk that such a person will obstruct
8 or attempt to obstruct justice or threaten, injure, or
9 intimidate or attempt to threaten, injure, or intimidate a
10 prospective witness or juror.

11 Actually, during the beginning of this case, I was
12 none of that, sir. I was not charged with any possession
13 and -- of a firearm even and a -- Mr. Coan completely failed
14 to prove that I -- I am a serious risk that such person will
15 flee or a serious risk that such person will obstruct or
16 attempt to obstruct justice, threaten, injure, or intimidate,
17 or attempt to threaten, injure, or intimidate a prospective
18 witness or juror.

19 Around 2018-09-20, upon my motion arguing strictly
20 from this code, motion for emergency -- emergency motion for
21 pretrial release, as I described to this code, I requested
22 for immediate -- sorry, not immediate -- emergency pretrial
23 release pursuant to 18 USC 3142, letter and color of law.

24 Well, to get in the way of that, Mr. Coan actually
25 filed a Superseding Indictment that he had been threatening

1 me with for three months to coerce me, coerce me into taking
2 an unconscionable plea deal, which is a possessing a --
3 possessing a firearm as a prohibitive person.

4 922 Golf (4), having been committed to a mental
5 institution knowingly and willingly possess a firearm that
6 will affect interstate commerce.

7 However, I also have a strong defense for that,
8 sir. So -- and in terms of James -- Special Agent Reed and
9 Mr. Lack, I would like -- I would like to strike those two
10 witnesses pursuant to Federal Rules of Criminal Procedure 49,
11 Rule 49, and then I can prove that Agent Reed is actually
12 highly incompetent. He had been misleading the Grand Jury,
13 so -- and he had submitted numerous false hearsay into
14 record, so pursuant to Rule 602 and the -- 607 of the Federal
15 Rules of Evidence, I would like to impeach that witness.

16 THE COURT: Well, you will have an opportunity to
17 cross-examine the witness, but you do understand, of course,
18 that the normal Rules of Evidence do not apply in this
19 proceeding this afternoon, do you not?

20 MR. YOO: Yes, sir, but --

21 THE COURT: So the hearsay objection --

22 MR. YOO: Objection.

23 THE COURT: I'm sorry?

24 MR. YOO: Yes, sir, yes, sir.

25 THE COURT: The hearsay objection, I certainly

1 understand and appreciate that, and, you know --

2 MR. YOO: Yes, sir.

3 THE COURT: -- it may go to the, you know, balance
4 of the testimony, but it is not -- it is not rules concerning
5 the admissibility of evidence --

6 MR. YOO: Yes, sir, but I am pretty sure --

7 THE COURT: Hold on. Let me finish. Doesn't apply
8 to the presentation or the consideration of information at
9 this hearing.

10 MR. YOO: But I am pretty sure that Rule 49 of the
11 Federal Rules of Criminal Procedure apply, sir. Are you
12 practicing law from the bench, sir?

13 THE COURT: No, I am not practicing law from the
14 bench. And the last thing I am doing is giving you legal
15 advice. I am not going to give you legal advice.

16 MR. YOO: Yes, sir.

17 THE COURT: What I am trying -- I was trying to
18 explain to you one of the reasons that that is not at least a
19 valid objection at this point is that the Rules of Evidence
20 don't apply in a proceeding like this, so your objection with
21 respect to hearsay of the testimony that came in during the
22 detention hearing is really not a valid basis to object.

23 MR. YOO: Yes, sir. Well, I am not -- I am not
24 asking for a legal counselor, sir. I am asking you a
25 procedural due process basis.

1 THE COURT: So what is your question?

2 MR. YOO: That I wasn't served any paperwork from
3 Coan, and I do believe that is a valid reason to strike any
4 witnesses.

5 THE COURT: And what kind of paperwork?

6 MR. YOO: Witness list, sir. I was never given a
7 witness list, and I actually submitted paperwork to the Gregg
8 County mail staff saying that I have not received any mail
9 yesterday. Unsworn declaration. They still haven't signed
10 it, but it is over here.

11 THE COURT: Okay. Do those complete your
12 preliminary remarks?

13 MR. YOO: Yes, sir. Oh, and one more thing.
14 Pursuant to Illinois vs. Allen, 397 U.S. 337 (1970), I would
15 like these foot restraints to be removed also, sir.

16 THE COURT: Well, I am not familiar with the case.
17 You had filed a motion that asked for your hands to be
18 unshackled during the course of the hearing this afternoon.
19 That seemed like a reasonable request to me.

20 The Marshal Service made other arrangements in
21 order to comply with your request and at the Court's order.
22 So I permitted them to do that.

23 MR. YOO: Yes, sir. Well, I actually filed a
24 motion to be restraint-free pursuant to this court case and
25 also presumption of innocence, in that there are -- there

1 are, as you said, witnesses here, so -- so, therefore, the --
2 the bias principle might still apply, you know that --

3 THE COURT: I'm sorry?

4 MR. YOO: That witnesses might be bias just like
5 the jury, based on restraints and the jail.

6 THE COURT: I will take a look at that case.

7 MR. YOO: Yes, sir.

8 THE COURT: Okay. Do those complete your
9 preliminary remarks?

10 MR. YOO: Yes, sir.

11 THE COURT: All right. You may be seated.

12 MR. YOO: Thank you, sir.

13 THE COURT: Mr. Coan, do you wish to make any
14 preliminary remarks at this time?

15 MR. COAN: Thank you, Your Honor. Just briefly.

16 The best I can tell Mr. Yoo is first arguing that
17 there should have never been a detention hearing. But there
18 was. And he was ordered detained pending trial, by
19 Judge Love on April 30th, 2018.

20 And the finding by Judge Love at that time was that
21 there is no condition or combination of conditions that could
22 reasonably assure the Defendant's appearance at required
23 proceedings or the safety of the community.

24 And the specific grounds cited by Judge Love at the
25 conclusion of the April 30th hearing was the nature of the

1 charges pending against Mr. Yoo; his mental health history;
2 the repeated instances of threats he had made against
3 individuals and groups; his threats to injure, kill people,
4 and shoot people; his alleged misrepresentations about his
5 citizenship; and his ties to the country of South Korea.

6 Nothing has changed with respect to the facts since
7 April 30th of 2018.

8 MR. YOO: Objection.

9 MR. COAN: The Defendant is --

10 THE COURT: Mr. Yoo, this is a preliminary
11 statement. Mr. Coan did not interrupt you when I allowed you
12 to make your preliminary statement, so I will ask you to
13 withhold any objection to anything that Mr. Coan has to say.
14 I will give you an opportunity at the conclusion of the
15 hearing to make any additional comments you wish to make.

16 MR. YOO: Yes, sir.

17 THE COURT: Mr. Coan, you may proceed.

18 MR. COAN: Thank you, Your Honor.

19 Nothing has changed factually on the issues of
20 flight or safety of the community since April 30th of 2018.

21 And so the Government would ask that the Court deny
22 the Defendant's motion?

23 Thank you.

24 THE COURT: All right. Thank you, Mr. Coan.

25 All right. The Government may call its first

1 witness.

2 MR. YOO: Your Honor, I would actually like to
3 contact my witness.

4 THE COURT: I'm sorry?

5 MR. YOO: I would actually like to contact my
6 witness to make sure she is going to be here.

7 THE COURT: We have started this hearing. I am not
8 sure how you want to do that. Do you want to perhaps --

9 MR. YOO: Take a break.

10 THE COURT: Mr. Haas, could you assist Mr. Yoo in
11 this regard in contacting the witness?

12 MR. HAAS: Judge, I have no idea who the witness is
13 or how to contact the witness; but if Mr. Yoo gives me that
14 information, at the Court's request, I will attempt to do
15 it.

16 THE COURT: Thank you, Mr. Haas.
17 Let's go off the record.

18 (Recess was taken at this time.)

19 THE COURT: All right. Please be seated.

20 Okay. Mr. Yoo, were you able to reach your
21 witness.

22 MR. YOO: Yes, sir. He was. Ms. Simmons said that
23 she was up here on 4th, but no one actually told her that
24 court has been rescheduled, so I would like -- I would like
25 Court's approval for her to testify electronically, if that

1 is possible.

2 THE COURT: Mr. Yoo, I have had that request a
3 number of years. My practice is that a witness who intends
4 to testify in a hearing or the trial of a matter must be
5 present in the courtroom to do so.

6 I will allow you to provide an affidavit subsequent
7 to this hearing that contains the -- what the testimony would
8 have been of the witness if she had been here and present and
9 testifying in the courtroom.

10 MR. YOO: So, the Government has two witnesses
11 ready and at disposal, but I am completely witnessless. I
12 mean --

13 THE COURT: That's what it looks like.

14 MR. YOO: Sir, if I was out on bail, I would have
15 properly notified her, so, I mean -- so, I mean, I would like
16 for you to reconsider -- I would like to file a motion to
17 reconsider electronic testimony, sir.

18 THE COURT: I don't -- I don't allow that. In
19 order to have somebody testify --

20 MR. YOO: Yes, sir.

21 THE COURT: -- we have them in the courtroom so
22 that we can observe their demeanor and observe their body
23 language and to have them present and sworn in in front of
24 the court reporter.

25 MR. YOO: Yes, sir.

1 THE COURT: So --

2 MR. YOO: She did --

3 THE COURT: I can't allow that. So, as I said, as
4 an alternative, I will permit you to file an affidavit --

5 MR. YOO: Yes, sir.

6 THE COURT: -- that contains what her testimony
7 would have been had she been here.

8 MR. YOO: Yes, sir. Also before we resume, I would
9 like to address the Court in one more issue.

10 THE COURT: Okay. Very briefly.

11 MR. YOO: Yes, sir. Why is Mr. Coan having
12 ex parte communication not only with this Court but also with
13 courts outside of -- out of this jurisdiction, like other
14 jurisdiction, such as Middlesex County Superior Court? I
15 actually have evidences of it.

16 Mr. Coan filed motion to compel any documents --
17 documents related to my mental health in that court as an
18 ex parte communication. I believe that is a grounds -- that
19 is a grounds -- grounds for sanction.

20 THE COURT: Mr. Yoo, explain to me how that is
21 relevant to today's proceeding.

22 MR. YOO: Because -- because, obviously, Mr. Coan
23 might have any other ex parte communications that I would not
24 know about that I am not prepared for any cross-examination
25 nor rebuttal about, properly.

1 THE COURT: Mr. Coan, do you want to address that?

2 MR. COAN: Your Honor, as part of the Government's
3 investigation, which is standard practice, there were Grand
4 Jury subpoenas issued. One of the Grand Jury subpoenas was
5 issued to the adjutor for Middlesex County in New Jersey.
6 There was partial compliance with the Grand Jury subpoena.

7 And, in order to bring about complete compliance, a
8 full response to the subpoena, the Government filed a motion
9 to compel, which was granted by Judge Mitchell. And then
10 that order was provided to the adjutor for Middlesex County,
11 and then full compliance with the Grand Jury subpoena was
12 made.

13 THE COURT: Okay. And do you have any intention
14 this afternoon of using any of that evidence with respect to
15 this hearing?

16 MR. COAN: We are not going to be introducing any
17 evidence from those --

18 THE COURT: Very well. Thank you.

19 Mr. Yoo, your motion will be denied.

20 MR. YOO: Yes, sir. I would like for my foot
21 restraints to be removed pursuant to Illinois vs. Allen.

22 THE COURT: And I heard your argument on that, and
23 I explained to you what my view was about that. I did grant
24 your request to have your hands unshackled, but I am going to
25 rely on the Marshal Service to make a determination about

1 what is best in the alternative, and they have made a
2 decision. So I am going to allow your legs to be shackled.

3 You may, during the course of your
4 cross-examination of the witnesses, if you choose to
5 cross-examine the witness, proceed to the podium. And I am
6 told you that will be able to do that without trouble.

7 MR. YOO: Yes, sir.

8 THE COURT: Okay. Now, let me explain one more
9 thing to you, Mr. Yoo, before Mr. Coan calls the first
10 Government witness.

11 You obviously have a right to make a preliminary
12 statement or an opening statement, which I have allowed you
13 to do today. You have a right to hear all of the testimony
14 that has -- that will be introduced today.

15 You will have an opportunity to cross-examine the
16 Government's witnesses; and, of course, as you know, you have
17 a right to call any witnesses of your own and to present any
18 evidence that you want to on your behalf.

19 Likewise, I don't know if you have considered this
20 or not, but you also have the right to testify yourself, if
21 you want to do that, and you have a right not to testify
22 yourself, if you want to do that as well.

23 MR. YOO: Yes, sir. Oh, one more brief thing,
24 Your Honor.

25 Would you please take a look at my response to

1 Mr. Coan's motion? I mean -- I'm sorry. Response to
2 Mr. Coan's response regarding --

3 THE COURT: The reply that we were talking about
4 earlier?

5 MR. YOO: Yes, sir.

6 THE COURT: Yes, I will certainly do that. I can't
7 do it right this minute. But I will look at the reply, which
8 I am told was filed on October the 5th. Perhaps that may not
9 be right. You have told me that you filed a reply to the
10 Government's response, and I will make sure I review the
11 reply, yes.

12 MR. YOO: To my knowledge, I filed around
13 September 28th.

14 THE COURT: All right. Thank you, Mr. Yoo. I will
15 take a look at it.

16 MR. YOO: Thank you, sir. Oh, also emergency
17 pretrial release motion too, sir, if you would like.

18 THE COURT: All right. I will take a look at that
19 as well.

20 MR. YOO: Thank you, sir.

21 THE COURT: All right. Now, one other thing,
22 Mr. Yoo, before we proceed, I do want you to understand that
23 to the extent there is any question that is asked of any of
24 the witness this afternoon by the Government's attorneys that
25 you want to object to, I certainly will allow you to make an

1 objection for the purposes of preserving the record, but it
2 has to be a legal objection. Okay? So just bear that in
3 mind as we go through the course of the testimony this
4 afternoon.

5 MR. YOO: Yes, sir.

6 THE COURT: You are certainly within your rights to
7 object to the question and to object to the testimony itself,
8 but it has to be a legal objection.

9 MR. YOO: Yes, sir.

10 THE COURT: Okay. Mr. Coan, you may call your
11 first witness.

12 MR. COAN: Thank you, Your Honor. The United
13 States calls Special Agent James Reed to the stand.

14 (Witness sworn.)

15 THE COURT: Mr. Coan, you may proceed.

16 MR. COAN: Thank you, Your Honor.

17 JAMES REED GOVERNMENT'S WITNESS, SWORN,

18 DIRECT EXAMINATION

19 BY MR. COAN:

20 Q. Good afternoon.

21 A. Good afternoon, sir.

22 Q. Would you state your name for the record, please?

23 A. James Reed.

24 Q. And how are you currently employed?

25 A. I'm a Special Agent with the ATF out of Tyler, Texas.

1 Q. And how long have you been with ATF?

2 A. Since January of 2014.

3 Q. In the course and scope of your employment with ATF, did
4 you become involved in an investigation regarding an
5 individual by the name of Heon Jong Yoo?

6 A. Yes, sir, I did.

7 Q. All right. Let's talk a little bit about Mr. Yoo.

8 How old is he?

9 A. 25 years old.

10 Q. And where was he born?

11 A. South Korea.

12 Q. He came to the United States at some point; is that
13 right?

14 A. Yes, sir.

15 Q. And is he a United States citizen?

16 A. No, sir, he is not.

17 Q. Does he have legal status in the United States?

18 A. Yes, sir. My understanding is he is a legal permanent
19 resident and has been since 2009.

20 Q. Is he a naturalized U.S. citizen?

21 A. According to Homeland Security, he is not.

22 Q. Does he have any claim of derivative citizenship?

23 A. According to Homeland Security, he does not have any
24 claim of derivative citizenship.

25 Q. To your recollection, was he employed at the time of his

1 arrest in connection with this case, which was on April 6th
2 of 2018?

3 A. At the time of his arrest, individuals described his
4 employment as off-and-on driving for the rideshare companies
5 like Lyft or an Uber-type company.

6 Q. Has he served in the military in the United States?

7 A. Records show he has not served in the military, though
8 he has tried to enlist on two separate occasions.

9 Q. All right. And --

10 MR. YOO: Objection.

11 THE COURT: What is the objection?

12 MR. YOO: I've actually tried to enlist -- enlist
13 seven different -- sorry. There were seven different
14 recruiters, and I was denied --

15 THE COURT: Mr. Yoo. Mr. Yoo, your objection has
16 to be based on the law. I will allow you to cross-examine
17 the witness at the appropriate time, but this is
18 not -- making a statement is not a legal objection.

19 MR. YOO: He swore in, sir.

20 THE COURT: I'm sorry?

21 MR. YOO: He swore in --

22 THE COURT: He is, and you will have an opportunity
23 to cross-examine him, but we are in the direct examination by
24 the Government at this point.

25 MR. YOO: Yes, sir.

1 THE COURT: Mr. Coan, you may continue.

2 MR. COAN: Thank you, Your Honor.

3 BY MR. COAN:

4 Q. The two attempted enlistments by Mr. Yoo that you are
5 aware of, were those denied?

6 A. Yes, sir, they were.

7 Q. All right. And are you aware of the reasons that those
8 attempts were denied?

9 A. I have a report from the Institute of Forensic
10 Psychology for an independent Army screening. This was the
11 September 19th, 2015.

12 And on that report the final conclusion of that
13 report stated that it was the professional judgment of
14 Mr. Gallegos, Ph.D. licensed psychologist, that this person
15 Heon Yoo did not possess the psychological characteristics
16 deemed necessary to perform the duties sought for and is not
17 psychologically suited for the position in the United States
18 Army.

19 Q. Has your investigation revealed any affiliations that
20 Mr. Yoo has with militias or other military-style groups?

21 A. Multiple individuals we have interviewed have stated
22 that Mr. Yoo has claimed to be a member of some sort of
23 militia and claims rank in that militia.

24 Q. Are you familiar with any of the activities associated
25 with the militia, Mr. Yoo's involvement with the militia?

1 A. He has attempted to recruit various individuals,
2 including business owners and -- business employees in Tyler,
3 Texas to his militia, and has stated himself as the leader of
4 the local fascist party. But that is the extent of what we
5 have decided -- we have been able to figure out from
6 individuals of his militia.

7 Q. Does Mr. Yoo have any family residing in the Eastern
8 District of Texas?

9 A. I am not aware of any family Mr. Yoo has in the Eastern
10 District of Texas.

11 Q. Mr. Yoo came to the Tyler area sometime in late 2016; is
12 that correct?

13 A. That's my understanding, sir.

14 Q. And was one of the reasons he came to the Tyler area was
15 to attend school?

16 A. Yes, sir.

17 Q. All right. To your knowledge, is he still enrolled in
18 any school in Tyler, Texas?

19 A. To my knowledge, he is not.

20 Q. And does he own a residence within the Eastern District
21 of Texas?

22 A. To my knowledge, he does not own a residence in the
23 Eastern District of Texas.

24 Q. As part of your investigation, did you become aware of
25 any mental health issues associated with Mr. Yoo?

1 A. Yes, sir.

2 Q. All right. And, if you would, just kind of generally
3 describe what the investigation revealed about Mr. Yoo's
4 mental health.

5 A. We found numerous records of mental health issues,
6 including diagnoses of bipolar disorder, homicidal ideations,
7 medication noncompliance, multiple involuntary
8 hospitalizations, and multiple involuntary commitments.

9 Q. Let's walk through some of those records. Let's talk
10 about September of 2012.

11 At that time Mr. Yoo was living in New Jersey; is
12 that correct?

13 A. Yes, sir, that's my understanding.

14 Q. And he was enrolled as a student at Rutgers University;
15 is that right?

16 A. Yes, sir.

17 Q. Okay. If you would, tell us about any mental health
18 treatment that he received in or about September 2012?

19 A. This was a report in which the report states that he
20 said he had been -- sought counseling for depression and
21 suicidal thoughts and had received mental health treatment.

22 Q. And this information that Mr. Yoo provided was to -- was
23 it to university police?

24 A. Yes, sir, it was to a university -- Rutgers Police
25 Department.

1 Q. And what was the reason for the encounter, if you know,
2 between the University Police and Mr. Yoo?

3 A. This incident was a -- well-being checked due to
4 allegations of alarming comments and inquiries about
5 firearms.

6 Q. Let's talk about an incident in April of 2013, again, in
7 New Jersey. Was Mr. Yoo brought to the hospital emergency
8 room by Rutgers University Police?

9 A. Yes, sir, according to the report. He was brought to
10 the emergency room at Robert Wood Johnson Hospital by Rutgers
11 police due to reportedly threatening to shoot his resident
12 counselor.

13 Q. Was a diagnosis rendered at that time regarding
14 Mr. Yoo?

15 A. Yes -- well, according to the report, there is
16 indications of diagnosis of bipolar disorder, homicidal
17 ideation, and explosive personality disorder.

18 Q. All right. Was he examined by certified mental health
19 officials as to whether he presented a danger to himself or
20 to others?

21 A. Yes, sir. So a New Jersey certified mental health
22 screener certified him as dangerous to others, and then
23 within that report, dangerous to himself.

24 Q. All right. And based on those certifications, was he
25 involuntarily committed?

1 A. Yes, sir. We have an involuntary commitment order
2 signed by a judge on the date of 24 of September -- I'm
3 sorry.

4 MR. YOO: 24th of what?

5 A. On the date of the 8th of April, 2013, an involuntary
6 commitment order signed by a judge.

7 BY MR. COAN:

8 Q. Okay. Let's talk about September 2015, still in New
9 Jersey. Again, Mr. Yoo is transported to the hospital by
10 Rutgers University Police; is that correct?

11 A. Yes, sir.

12 Q. And what was the reason for that?

13 A. It says: Upon repetitive disruption and homicidal
14 threats, patient was brought to the emergency department for
15 evaluation.

16 The notes say: Require in-patient hospitalization
17 for safety and stabilization.

18 It says: Patient presents a danger to others, and
19 he is making terroristic statements publicly on the street.

20 Patient is recommended for involuntary
21 hospitalization for safety and stabilization.

22 He appeared disoriented to circumstances.

23 And it says: Patient was aggressive, threatening,
24 requiring chemical and physical restraints. The notes and
25 things say he was shouting, "Death to the Middle East" at a

1 bus stop on College Avenue.

2 He was evaluated for a danger to himself and
3 others.

4 Q. And what was the finding based upon the evaluation by
5 certified mental health officials?

6 A. Again, the finding was he was a danger to himself and
7 others.

8 Q. And based on that determination, was there a
9 recommendation that he be involuntarily committed to an
10 inpatient facility?

11 A. Yes, there is an involuntary commitment signed by a
12 judge on 24th of September, 2015.

13 Q. Let's move to November of 2017, here within the Eastern
14 District of Texas. Did the Texas Rangers respond to a threat
15 allegation involving Mr. Yoo?

16 A. Yes, sir.

17 Q. And what was the nature of that alleged threat?

18 A. The report states that Yoo allegedly made threats to
19 travel to Washington, DC, to kill blacks and Jews.

20 Q. And based upon that response by the Texas Rangers, were
21 further steps taken -- from a mental health perspective, was
22 he transported to a hospital or treatment facility within the
23 Eastern District?

24 A. Yes, sir. The records show that he went to the
25 Andrews Center, the Behavioral Healthcare System and became a

1 patient there at ETMC ER.

2 Q. All right. And was a determination made as to any
3 danger that Mr. Yoo presented at that time?

4 A. The notes show remarks for shooting danger, suicide
5 contentions observation. Inpatient hospitalization was
6 recommended.

7 Q. Was he deemed harmful to others at that time by the
8 certified mental health officials?

9 A. It just says: Concern. Client intended to incite
10 violence and was placed on a wait list for inpatient
11 hospitalization.

12 Q. As part of your investigation, did you determine whether
13 Mr. Yoo has had encounters with law enforcement officials
14 within the City of Tyler or greater Smith County area?

15 A. Yes, sir.

16 Q. All right. And can you estimate for us the number of
17 encounters that Mr. Yoo had with law enforcement since his
18 arrival in Tyler in late 2016?

19 A. Numerous, sir.

20 THE COURT: 2016 or 2017?

21 MR. COAN: I'm sorry, since 2016, Your Honor.

22 A. More than 20 reports have been reported.

23 BY MR. COAN:

24 Q. Has Mr. Yoo been criminally trespassed from any
25 businesses in the Tyler/Smith County area?

1 A. Yes, sir, he has.

2 Q. All right. Just for record purposes, would you briefly
3 explain what that means to be criminally trespassed?

4 A. Criminal trespass is a way for a business owner or
5 property owner to formally warn away an individual from their
6 property. It goes on notice with the police department; and
7 then if you show back up, you can actually be arrested for
8 trespassing.

9 Q. Could you -- do you have a list of the businesses?

10 A. Yes, sir.

11 Q. Okay. If you could identify those businesses please?

12 A. All Walmart stores, including Sam's Club in the Tyler
13 area; Panera Bread; Cumberland Place Apartments; and both
14 Tyler Supercuts locations.

15 Q. All right. Let's talk about some specific interactions
16 that Mr. Yoo has had with local law enforcement in the
17 Tyler/Smith County area. Let's talk about an incident
18 occurring on May 1st of 2016 at Spring Creek Barbecue?

19 A. So on -- this incident was in reference to a suspicious
20 person with a rifle slung over his shoulder with a sign that
21 read: Southern Lives Matter Too.

22 Q. Subsequent to that, there was an incident at the Target
23 in Tyler involving Mr. Yoo wearing a Confederate mask; is
24 that correct?

25 A. Yes, sir. The report stated he was walking into the

1 store with a Confederate flag mask on. He was also armed. I
2 could see a pistol sticking out from the bottom of his shirt.
3 He advised that he had been told by several customers that
4 this individual, Mr. Yoo, was making comments about voting
5 for Trump and made them feel nervous.

6 There was an individual in the store who advised
7 that she heard -- she heard the male state that he was going
8 to get all of the black people in the store while standing in
9 the checkout line.

10 Another individual stated she had heard that he was
11 going to shoot all of the black people in the store, and she
12 should leave.

13 Q. Subsequent to the incident at Target, was there an
14 incident at the Walmart in Tyler?

15 A. Yes, sir. That report states that an Asian male,
16 Mr. Yoo, was going to start killing police officers. This
17 was the report that -- individual reporting -- the individual
18 who was reporting this went on to say that Mr. Yoo said he
19 believed in Black Lives Matter, and said the organization he
20 was affiliated with was going to start killing police.

21 The officer reviewed the footage and was able to
22 confirm the subject making these comments -- or the person
23 they were talking to was Heon Yoo.

24 Q. Was there a report made by one of Mr. Yoo's Uber riders
25 in 2017?

1 A. Yes, sir. This report states that a fight was
2 instigated by Yoo according to the complainant -- this was
3 the 6th. I'm sorry. This is the wrong report.

4 Which report are you talking about, sir? The
5 August 18th, 2017?

6 Q. 17-017054?

7 A. Yes, sir. So that was on August 18th, 2017, made
8 contact with a suspicious person. This was a complainant.
9 According to the report, the suspicious person was making
10 anti-Jewish statements to the complainant while he was
11 driving in his Uber vehicle.

12 This complainant identified the suspicious person
13 as Heon Yoo. The complainant said that Yoo stated he hated
14 Jews and Muslims and that he wanted to kill the Jews. He
15 stated he was part of the Nationalist party and continued to
16 refer to killing Jews.

17 That is the basics of that report.

18 Q. Let's talk about an incident occurring in December of
19 2016. Police responded to an incident involving Mr. Yoo, is
20 that correct, December 2nd, 2016?

21 A. Yes, sir.

22 Q. All right. If you would, just describe briefly the
23 circumstances surrounding that incident?

24 A. Police were dispatched to an aggravated assault in
25 progress. The caller of the report had stated there were

1 several subjects at their residence and that a gun was
2 pointed at them.

3 When the police came, they identified the different
4 suspects. The officer located -- detained suspects on the
5 scene and located an AR-15 weapon, another rifle, a shotgun,
6 a handgun, and a machete.

7 Q. Were law enforcement officials able to determine who the
8 firearms belonged to?

9 A. The firearms were claimed by -- to my understanding,
10 claimed by Mr. Yoo.

11 Q. Were any arrests made in connection with this December
12 2nd, 2016, incident?

13 A. Yes, sir.

14 Q. Was Mr. Yoo one of the individuals arrested?

15 A. Yes, sir.

16 Q. Was he later indicted in Smith County in connection with
17 this incident?

18 A. Yes, sir.

19 Q. Was that in January of 2017?

20 A. Yes, sir.

21 Q. And he was indicted on a felony charge of aggravated
22 assault with a deadly weapon; is that correct?

23 A. Yes, sir.

24 Q. Now, the Indictment was later dismissed; is that
25 correct?

1 A. Yes, sir.

2 Q. Are you aware of any pending state criminal charges
3 against the Defendant?

4 A. It is my understanding that he still has a criminal
5 matter regarding criminal trespassing.

6 Q. All right. And, to your knowledge, are there any
7 outstanding state warrants regarding Mr. Yoo?

8 A. To my understanding, there is a warrant under that
9 charge for failure to appear.

10 Q. Now, Mr. Yoo was enrolled as a student at the University
11 of Texas at Tyler from approximately January through March of
12 2018; is that right?

13 A. Yes, sir.

14 Q. And during that short time period, did Mr. Yoo have any
15 encounters with university police officials?

16 A. Yes, sir. It is my understanding after speaking to the
17 university police chief, there were numerous encounters.

18 Q. Was the first encounter that Mr. Yoo had with university
19 police officials actually on the very first day that he
20 attended class?

21 A. That I am not aware, sir.

22 Q. As part of your investigation, were you able to review
23 police reports from the University of Texas at Tyler Police
24 Department?

25 A. Yes, sir.

1 Q. And did they also -- the university also uses something
2 known as behavioral intervention reports; is that right?

3 A. Yes, sir.

4 Q. And how many of those reports, just an estimate, have
5 been generated or were generated in connection with claims of
6 misconduct on the part of Mr. Yoo in the three months that he
7 was a student at UT Tyler?

8 A. UT Tyler, estimated between 20 and 25.

9 Q. And those behavioral intervention reports, what is your
10 understanding of how those come about? Those are not an
11 actual police report, is it?

12 A. No, sir. It is a people report; kind of a "see
13 something, say something" type system.

14 Q. And then on top of those which are -- they can initiated
15 by anyone at the school, right?

16 A. Yes, sir.

17 Q. So, in addition to those 20 to 25, there are additional,
18 specific police encounters with Mr. Yoo in the three months
19 he was a student; is that right?

20 A. Yes, sir.

21 Q. Okay. And there are approximately 10 to 15 of those?

22 A. Yes, sir.

23 Q. And one of those involved statements that he made
24 regarding the extermination of Jews; is that right?

25 A. That was my understanding, sir, yes, sir.

1 Q. To your knowledge, was Mr. Yoo undergoing any type of
2 mental health counseling while a student at the University of
3 Texas at Tyler?

4 A. My understanding is he was seeking mental health
5 counseling.

6 Q. Are you aware of any disciplinary action that was taken
7 by the university as to Mr. Yoo?

8 A. I am aware they were attempting to take disciplinary
9 action against him around the time of his arrest.

10 Q. And, to your knowledge, is he currently enrolled at UT
11 Tyler?

12 A. I have no knowledge that he is currently enrolled.

13 Q. So, as part of your investigation, were you able to
14 determine whether this Defendant has had encounters with law
15 enforcement officials prior to coming to the Eastern District
16 of Texas?

17 A. Yes, sir. I guess a good summary would be that every
18 place -- or the majority -- a lot of the places he has been
19 at with respect to universities, there is numerous police
20 reports generated.

21 Q. Let's talk about his time in New Jersey at Rutgers
22 University. That was for the period of 2012 to 2015; is that
23 right?

24 A. Yes, sir.

25 Q. Okay. And then how about police encounters while he was

1 enrolled at the University of Connecticut in the spring of
2 2014?

3 A. Yes, sir, there are police reports there as well.

4 Q. Okay. Are you aware of encounters that Mr. Yoo had with
5 law enforcement officials in the Dallas/Fort Worth area in
6 the 2016 and 2017 time period?

7 A. Yes, sir. There were reports from those places, as
8 well.

9 Q. Okay. And did those include at Richland College?

10 A. Yes, sir.

11 Q. How about Collin County Community College?

12 A. Yes, sir.

13 Q. Encounters with the Prosper -- City of Prosper Police
14 Department?

15 A. Yes, sir.

16 Q. An incident at the University of North Texas?

17 A. Yes, sir.

18 Q. Encounters with the Dallas Police Department?

19 A. Yes, sir.

20 Q. Encounters with the City of Plano Police Department?

21 A. Yes, sir.

22 Q. All right. Let's go back to the time period during
23 which Mr. Yoo was at Rutgers University.

24 Are you able to estimate for the Court
25 approximately the number of police reports generated based

1 upon encounters that University Police had with Mr. Yoo?

2 A. Around 20.

3 Q. Okay. Let's talk about an incident in 2013, a student
4 report about Mr. Yoo about his mental condition. Report
5 13-11986.

6 A. This was a report where an individual stated that they
7 were afraid Mr. Yoo was going to conduct a shooting.

8 Q. All right. How about report number 13-15051?

9 A. This was -- this was the report that led to Mr. Yoo
10 being transported to the emergency room at the hospital. In
11 this report the report says that it was reported that --
12 stated, an individual in resident life did not know who they
13 were messing with, according to a summary of the report of
14 what Mr. Yoo stated.

15 And it, again, involved conversations about
16 weapons. And this was the report that did lead to the
17 hospitalization and then -- within the emergency room for
18 mental health evaluation.

19 Q. All right. Let's talk about his time at University of
20 Connecticut, specifically an incident occurring on or about
21 February 27th, 2014, an interaction that Mr. Yoo had with an
22 ROTC commander.

23 A. So this was a report from the ROTC lieutenant colonel
24 who stated that Yoo self-reported that he was diagnosed with
25 bipolar disorder. Was referred to the Students of Concern

1 Team by the colonel and was expressing anger and noticeable
2 problems.

3 Q. All right. How about an incident occurring on April
4 30th of 2014, involving Mr. Yoo's behavior at a shooting
5 range?

6 A. This report says they received information about Yoo,
7 who went to a range -- shooting range and was behaving
8 inappropriately with guns at the range.

9 It says: The gun range has a strict policy not to
10 shoot at the head of the target. And Yoo shot at the head
11 every time. When he tried to correct him and told him he
12 would be kicked out, Yoo continued to shoot at the head. The
13 individual then got Yoo to leave the shooting range.

14 And that is the summary of that report.

15 Q. Let's talk about the June 26th, 2016, incident requiring
16 a response by the Prosper Police Department, an incident at a
17 Kroger Grocery Store involving Mr. Yoo?

18 A. The report states and was in reference to Mr. Yoo making
19 threats to shoot people inside Kroger Store.

20 Q. Does the report note whether he was armed at the time?

21 A. Yes, sir, it shows that he was armed. His vehicle was
22 armed. And also located a .45 caliber pistol.

23 Q. September 6th, 2016, incident at the University of
24 Texas.

25 A. This was an incident when he caused a scene on the

1 campus of the University of North Texas.

2 Q. All right. And, if you would, just generally describe
3 the circumstances of the incident?

4 A. Mr. Yoo labeled himself a Neo-Confederate and was just
5 making statements that were riling up people on campus, with
6 Confederate flags. And he stated his intention was to rile
7 up as many liberals as possible.

8 Q. Was he armed at the time?

9 A. He told individuals he had a gun.

10 Q. If you would, just describe briefly for the Court how a
11 resident of the State of Texas goes about obtaining a License
12 to Carry a Handgun permit?

13 A. They make an application with the Texas Department of
14 Public Safety, and it is online -- it can be an online
15 application -- it is an online application at this time. And
16 those individuals then submit the correct documents to the
17 state to get a License to Carry.

18 Q. Did Mr. Yoo apply to obtain a License to Carry a Handgun
19 from the Texas Department of Public Safety?

20 A. Yes, sir.

21 Q. In connection with that application, was there a
22 question about whether Mr. Yoo had received psychiatric
23 treatment?

24 A. What, sir? Ask the question again, sir.

25 Q. In connection with that application, was Mr. Yoo

1 required to respond to a question about whether he had
2 received psychiatric treatment?

3 A. Yes, sir.

4 Q. And what was his answer to that question?

5 A. He answered, no, he had not received mental health
6 treatment.

7 Q. Was a permit issued to Mr. Yoo?

8 A. Yes, sir, it was.

9 Q. Was it later revoked by the Texas Department of Public
10 Safety?

11 A. Yes, sir. There was an application made by the Texas
12 Department of Public Safety, and then a Smith County Court
13 revoked the License to Carry.

14 Q. What is the significance of an individual possessing a
15 Texas License to Carry a Handgun permit as to someone's
16 effort to purchase firearms from a federally licensed
17 dealer?

18 A. The benefit is you do not have to pass a NICS background
19 check. The License to Carry suffices for the NICS background
20 check, and no NICS check is needed.

21 Q. Did your investigation reveal purchases and attempted
22 purchases and acquisitions of firearms by Mr. Yoo within the
23 Eastern District of Texas?

24 A. Yes, sir, it did.

25 Q. And in connection with some of those transactions, did

1 Mr. Yoo present his revoked License to Carry a Handgun?

2 A. Yes, sir, he did.

3 Q. The form that a prospective buyer is required to
4 complete in connection with a firearms acquisition from a
5 federally licensed dealer is called what?

6 A. It is an ATF Form 4473.

7 Q. Just, in general terms, what is the type of information
8 that is called for by the form?

9 A. Firearms transaction record. The main top section
10 contains biographical information; things like name, date of
11 birth, and place of birth.

12 Then you go to the second part of the form that
13 asks questions, and these concern the eligibility to purchase
14 a firearm and possess a firearm under federal law. Things
15 like, are you under the actual buyer of the firearm? Are you
16 a fugitive from justice? Have you ever been convicted of a
17 crime? Have you ever been adjudicated mentally defective or
18 been committed to a mental institution?

19 It includes things like citizenship. The next part
20 of the form concerns the transfer. And then the last part of
21 the form documents which firearms were being sold and
22 transferred.

23 Q. The ATF Form 4473s that you reviewed as part of your
24 investigation involving Mr. Yoo's attempted purchases or
25 acquisitions of firearms within the Eastern District of

1 Texas, did that review include examining how Mr. Yoo
2 responded to the question about citizenship?

3 A. Yes, sir, it did.

4 Q. And on any of those forms did Mr. Yoo indicate that he
5 was a United States citizen?

6 A. On multiple forms he indicated that he was a United
7 States citizen.

8 Q. On any of the forms that you reviewed, did he indicate
9 that he was not a United States citizen?

10 A. Yes, sir, there are forms when he indicates he is not a
11 United States citizen.

12 MR. COAN: Your Honor, I will pass the witness.

13 THE COURT: All right. Thank you, Mr. Coan.

14 Cross-examination?

15 MR. YOO: Yes, sir, I would like to cross-examine.

16 CROSS-EXAMINATION

17 BY MR. YOO:

18 Q. Sir, would you take a look at this?

19 THE COURT: What is that?

20 MR. YOO: This is Gun Control Act of 1968.

21 BY MR. YOO:

22 Q. And I would like for you to turn to Section 178-125 --
23 125 Echo?

24 THE COURT: I tell you what I will let you do,
25 Mr. Yoo, as we previously discussed, I will let you make any

1 argument that you want to make at the conclusion of the
2 hearing.

3 But for the purposes of proceeding this afternoon,
4 I think right now your opportunity is to cross-examine the
5 witness who is on the stand.

6 MR. YOO: Yes, sir.

7 THE COURT: All right. You may proceed to the
8 podium.

9 BY MR. YOO:

10 Q. All right. So, Special Agent James Reed, so you
11 mentioned citizenship and U.S. Army entrance denial due to
12 forensic -- forensic psychology evaluation by Gallegos; is
13 that correct?

14 A. Yes, sir. That is -- the report we have is from the
15 Institute of Forensic Psychology.

16 Q. Okay So are you familiar with the Federal Codes 27
17 CFR 478.11?

18 A. No, sir.

19 Q. No?

20 A. Not off the top of my head, no, sir.

21 Q. All right. Are you familiar with Addington vs. Texas,
22 441 U.S. 418, happened in 1979?

23 A. I am not familiar with that off the top of my head, sir.

24 Q. Are you familiar with NICS Improvement -- NICS
25 Improvement Amendment Act of 2007?

1 A. I have a general familiarity with that, yes, sir.

2 Q. All right. Since you are an ATF agent, I would like to
3 ask you this: Are you familiar with ATF Information
4 3310.4?

5 A. You would have to reference what that is, sir.

6 Q. This concerns the definition of adjudicated mentally
7 defective and committed to mental institution regarding
8 924(g).

9 Have I been committed to a mental institution
10 pursuant to those codes?

11 A. I have an order signed by a judge for the involuntary
12 commitment.

13 Q. All right. What -- which date was the hearing?

14 A. It says, this date is ordered on 24 September, 2015.
15 And my reference, sir, I believe -- I can get it for you --
16 was 8th of April, 2013.

17 Q. Is it formal commitment, or is it temporary commitment
18 per -- prior to a hearing?

19 A. The top of the form says temporary order for the
20 voluntary commitment?

21 Q. Yes, sir. So -- so you said that April 23rd of 2013 and
22 the -- I believe October 5th of 2015 were the dates for --
23 for the hearing, correct?

24 A. No. I said that 24th of September, 2015, and April 8th,
25 2013?

1 Q. Yes, sir. But what was the date for a hearing
2 scheduled?

3 A. I am going to have to go through and look at this to
4 see.

5 Q. From my -- from my recollection, the hearing
6 dates were --

7 THE COURT: Mr. Yoo, you can't make statements.
8 You can only ask questions.

9 BY MR. YOO:

10 Q. Okay. So was I committed following a hearing or not?

11 A. That I don't know, sir.

12 Q. Was I been to -- was I -- like, have I been to a
13 hearing?

14 A. That I don't know, sir.

15 Q. So -- so can you look up Addington vs. Texas?

16 A. No, I don't have the ability.

17 Q. So can you -- can you claim -- can you claim a legal
18 basis that I have actually been formally committed?

19 A. All I am doing, sir, is reviewing the documents that are
20 in front of me and presenting them to the Court that this is
21 an involuntary commitment order signed by a judge.

22 Q. All right. So are you familiar with RUPD Report
23 13-15051?

24 A. Can you say that again, sir?

25 Q. Are you familiar with RUPD Report 13-15051?

1 A. I probably can reference that report if you hold on one
2 second.

3 (Pause in proceedings.)

4 A. This is the 13-15051, sir?

5 Q. Yes, sir.

6 A. Yes, sir.

7 Q. So you are familiar with it?

8 A. Yes, sir.

9 Q. Did you give a full report when you were testifying as a
10 witness right now?

11 A. I read from the report, yes, sir.

12 Q. Full report? At the end of it, what does it say? You
13 did not specifically --

14 A. I can read the entire report for you if you would like,
15 sir.

16 Q. Proceed, sir.

17 A. On Thursday, April 4th, 2013, at 2100 hours, I was
18 dispatched to the Livingston Dining Hall on report of a
19 suspicious person. On scene, I spoke with dining staff
20 Mr. Panagioti, Pete Dafnos, and Ms. Stefanie Oates. They
21 advised that Mr. Heon Jong Yoo, a Rutgers student, swiped in
22 to get a meal and was overheard talking about guns, buying
23 guns, making guns, and that his family sells guns. They
24 stated that he was discussing with his two friends and the
25 conversation was overheard by Mr. Oates. It was reported --

1 Ms. Oates, excuse me.

2 It was reported that Yoo stated that an individual
3 from the residence life did not know who they were messing
4 with. Yoo did not specifically threaten to cause any harm to
5 anyone or state he was going to.

6 Upon further investigation, it was discovered that
7 Heon Jong Yoo was removed from Rutgers housing and was now
8 residing off campus. I contacted Yoo via phone, and Yoo
9 stated he was now residing at 15 North at the Colonial Tower
10 in New Brunswick.

11 I arrived at the Colonial Tower and was met by Of
12 Officer Pilesky and Rutgers Emergency Service Lt. Schleck. I
13 advised Yoo that RUPD was there for a well-being check and
14 have him speak with Emergency Services.

15 I asked Yoo if he owned any weapons, guns, or had
16 either in his current residence. He stated, no.

17 Yoo was brought up to his room where Lt. Schleck
18 conducted an evaluation. While the evaluation was being
19 conducted, Officer Pilesky and I were in sight and sound
20 during the evaluation.

21 Yoo had two friends in his apartment, Patrick
22 Coates and Darien Schreffler. Both were with Yoo today when
23 he swiped into his Livingston Dining.

24 Yoo had a stutter when speaking, but it became more
25 apparent the more excited he became. Yoo expressed a strong

1 desire to purchase guns legally in a manner which seemed to
2 obsess over the issue of obtaining a gun.

3 After speaking with Yoo, Lt. Schleck proceeded to
4 contact APS. It was deemed that Yoo needed to be transported
5 to the Robert Wood Johnson Hospital for further evaluation.

6 Yoo stated he would voluntarily go to the Robert
7 Wood Johnson Hospital because he did not want this incident
8 to affect his chances of obtaining a gun.

9 While preparing for transport, Yoo changed his
10 clothing and put on a three-piece suit. Yoo voluntarily was
11 transported to the Robert Wood Johnson Hospital via Rutgers
12 ambulance. I followed the ambulance to Robert Wood Johnson's
13 Hospital.

14 Q. Okay. So when you were testifying under Mr. Coan's
15 inquiries just now --

16 MR. YOO: So sorry. Sorry, Your Honor.

17 BY MR. YOO:

18 Q. -- interrogatories just now, you -- you omitted the "did
19 not threaten anyone" part; is that correct?

20 A. I don't believe I did mention that.

21 Q. So you did not give me a full -- full report; is that
22 correct?

23 A. I did not read the full report until just now, sir.

24 Q. I mean, when you were answering his interrogatory?

25 A. He was asking me about this report and its relationship

1 to why you were taken to the hospital, which on that report
2 states that you attempted harm against a resident advisor.
3 According to the report, this shows where that threat comes
4 from, so that's why --

5 Q. So do those reports contradict each other?

6 A. No, sir, my understanding -- my belief is they do not.

7 Q. So -- so you are saying that I didn't -- did not
8 specifically threaten to harm or kill anyone and threatened
9 to kill -- kill his RA, do they not contradict each other?

10 A. No, I am just reading from both reports. One report
11 says a statement in this. The other says that -- stated an
12 individual from residence life did not know who they are
13 messing with. My understanding is that is what both reports
14 say, and that is what I am presenting.

15 Q. Can it be a lawsuit? Because you know who my
16 grandfather is, correct? You know my family is wealthy,
17 correct? So can that be referring to a lawsuit, a legal
18 action?

19 A. Oh, I don't know. I am just reading what the report
20 says, sir.

21 Q. Okay.

22 A. I was not here any of these times. I am just gathering
23 the facts as an investigator and presenting those facts from
24 the report and how they link up. So why -- if there is a
25 report of a emergency room visit, and this is the report I am

1 reading why and responding to what the report stated and what
2 the other report stated and the Court -- for the Court's
3 consideration.

4 Q. All right. So when -- when the reports contradict each
5 other, is that report credible if -- since that hospital
6 report directly mentions that RUPD told them that I
7 threatened to kill my RA; is that correct, sir?

8 A. Let me check, sir.

9 It states action the -- per APS note, which I
10 assume is another screening service. It says: Brought to
11 Robert Wood Johnson Hospital ER by Rutgers Police due to a
12 report of him threatening to shoot his resident counselor.

13 That is the only note that I have to go by on that
14 part of the report.

15 Q. Okay. Can you tell me the definition of a
16 terroristic -- terroristic threat?

17 A. Not in New Jersey, sir.

18 Q. Okay. Do you know if I -- I received any criminal
19 charges pursuant to this report?

20 A. I have not uncovered any criminal charges concerning
21 this report, sir --

22 Q. If there were -- if there were an evidentiary basis that
23 I made this credible threat, wasn't I subject to a
24 terroristic threat charge?

25 A. I am not -- I am not familiar with that, sir. I am just

1 reading the reports.

2 Q. Okay. Proceeding. So you are also familiar where
3 the -- when I got locked up at the short-term facility back
4 in 2015, correct?

5 A. Yes, sir. I believe I read from a report in which
6 Robert Wood Johnson requested -- are you talking about the
7 requiring chemical and physical restraints --

8 Q. Yes.

9 A. -- and then requested the inpatient hospitalization for
10 safety and stabilization.

11 Q. All right. First of all, do you have a personal
12 knowledge of what happened?

13 A. No, sir. Again, all I do as an investigator in this
14 case is look at these reports is all I have to go by and see
15 the numerous statements of medical professionals who are
16 licensed under oath -- my understanding is all medical
17 professionals under oath to accurately report, and this is
18 what is in this report, sir.

19 It says: Past history of mood disorder, repetitive
20 disruption, and homicidal threats. Requires inpatient
21 hospitalization for safety and stabilization. Patient is
22 minimizing. Omitting facts.

23 These are medical professionals writing this, sir.
24 That is why I am reporting what the medical professionals
25 said.

1 Q. Medical, quote, unquote, professionals. Okay. So in
2 that report, does it ever mention that I have been to a psych
3 back in 2011 due to, say, homicidal threat?

4 A. It does. It says: Patient presented to Robert Wood
5 Johnson in 2011 after stating he wanted shotguns to shoot
6 people.

7 Q. I am pretty sure there is a -- would you please take a
8 look at the report by Daniel Boutsikaris or something?

9 A. I don't know which report you are referring to, sir.

10 Q. From -- to my recollection, he does say that I have been
11 committed before for homicidal threats back in 2011. Do you
12 know where I physically was back in 2011?

13 A. No, sir, I don't.

14 Q. So was I in New Jersey back in 2011?

15 A. I just said I did not know where you were, sir.

16 Q. So is that report credible?

17 A. Again, sir, my analysis of the report is to read what is
18 on the report. It is written by medical professionals at the
19 Rutgers State University in New Jersey University Behavioral
20 Health Center. They are signed and dated by medical
21 professionals. I assess that as credible, in that a medical
22 professional writes that -- the statements appear multiple
23 times. And I am just presenting what these reports say to
24 the report.

25 Q. So you are saying medical -- it is impossible for a

1 medical professional to be politically biased and then lie on
2 the reports that commit perjury?

3 A. No, sir. I would never say that anything is impossible.

4 Q. Okay. Okay. I believe that you stated that I was
5 transported to the hospital due to making terroristic threats
6 such as, "death to the Middle East"; is that correct? And --

7 A. Are you talking --

8 Q. -- homicidal ideation; is that correct?

9 A. That is what the report stated. Shouting, "death to the
10 Middle East." And it says: Patient upon arrival to the ER
11 continued to present aggressive and threatening, requiring
12 chemical and physical restraints?

13 Q. Yes, sir. I am fully aware of that report.

14 Is Middle East a person? So like can I -- is it
15 physically possible for me to kill Middle East? Kill a place
16 called Middle East? Is it physically possible?

17 A. I don't believe I can answer that question.

18 Q. Huh?

19 A. That is a hypothetical that I don't know.

20 Q. So Middle East is not a person, correct?

21 What is the definition of a homicidal ideation?

22 A. Wanting to kill people.

23 Q. Kill people, right? Is Middle East people?

24 A. It could be, sir.

25 Q. How?

1 A. Well, simply, there is people from the Middle East, so
2 killing Middle East could be killing people from the Middle
3 East. You are asking a hypothetical question. I'll give you
4 a hypothetical answer.

5 Sir, yes, in my training and experience, oftentimes
6 individuals who have hate and want to commit violence against
7 groups of people refer to those people by the places they
8 come from.

9 Q. There is a difference between saying, "death to Middle
10 East" and "death to a Middle Eastern." Also there is a
11 difference in saying "death to Middle East," and then "I am
12 going to kill Middle Easterns," correct? Those two
13 statements are completely separate, correct?

14 A. Yes. There is a possibility it could be separate, or
15 they could be the same depending on the individual making
16 those statements.

17 Q. Exactly. Did I make -- pursuant to that, did I make any
18 homicidal threats? Or was I just expressing my political
19 views as showing hatred toward a Middle Eastern culture and
20 the policies of those nations?

21 A. I don't know in this circumstance, sir. All I have
22 is -- to go by is this report in front of me which states:
23 Was brought with a past history of mood disorder and
24 voluntary hospital. Making terroristic threats by stating,
25 "death to the Middle East." That is all I have to go by is

1 that report. I was not there at the time when you made those
2 threats, sir, so I cannot answer the question what was going
3 on.

4 Q. Also back in 2015 was I temporary committed pursuant
5 to -- prior to a set court hearing date, or was I formally
6 committed following a hearing? Those two are very
7 different?

8 A. The report I am reading says: Temporary order for the
9 involuntary commitment of adult.

10 Q. So you do not have any court hearing record of 2015
11 either?

12 A. I do not have one in front of me, sir, no.

13 Q. However, to my knowledge, I have been entered into NICS
14 database as adjudicated mentally defective and committed --
15 had been committed to a mental institution, correct?

16 A. That is my understanding, you are in the NICS database
17 as being under that flagged category.

18 Q. Okay. So is that record truthful and lawful pursuant to
19 27 CFR Section 478.11 and pursuant to Addington vs. Texas?

20 A. That is a question I can't answer. I can't speculate on
21 the lawfulness --

22 Q. All right. Moving on. So let's talk about militia. Is
23 forming a militia illegal?

24 A. No, sir, it is not.

25 Q. Is possessing firearms illegal?

1 A. No, sir, it is not.

2 Q. It is not, right? Okay. Is having a political view --
3 views illegal?

4 A. No, sir.

5 Q. Are you aware of the -- are you aware of the political
6 ideology known as a constitutional fascism?

7 A. No, sir.

8 Q. So what is my fascist party's name?

9 A. I don't know, sir.

10 Q. American Nationalist Party. And are you aware of the --
11 our ideology?

12 A. No, sir.

13 Q. So why are you submitting this as a credible evidence
14 that I am a threat to the society?

15 A. Well, I will give you the answer since you asked, sir.
16 The support is that you have a group of individuals outside
17 who can help you once you get out, whether to flee as a
18 flight risk, also provide you weapons.

19 You have shown, through the documents I provided,
20 that you are willing to lie to acquire weapons legally. But
21 these groups who are involved with weapons can provide you
22 weapons in an informal manner presenting a danger to the
23 community based on your extensive mental health history, as
24 well as your flight risk.

25 These individuals -- when you are a leader of an

1 organization, oftentimes members of that organization will
2 help the leader of the organization to do things like escape
3 and acquire firearms.

4 That is why it is, in my judgment, that you are a
5 danger to the community -- as an agent -- and a flight
6 risk.

7 Q. I will come back to that. So before I come back to
8 that, let's go over certain police reports.

9 So you said that there were numerous police reports
10 from Rutgers, UConn, DFW area, Richland College, UT Tyler,
11 and all those, correct?

12 A. Yes, sir.

13 Q. And then on June 16 -- June 26th, 2016, you mentioned
14 Prosper Police Report about me threatening to shoot people,
15 correct?

16 A. Yes, sir.

17 Q. Did you give the full report for that report?

18 A. I just read the initial.

19 Q. Or does it -- does it say down there that Hank has
20 never -- like -- like. Sorry?

21 Another witness saying that he has never -- he or
22 she has never heard such a threat?

23 A. I just read the initial narrative, sir.

24 Q. So why don't you subpoena the one here to testify for
25 that -- I mean not -- testified said that I -- I threatened

1 to shoot people if this is a credible report?

2 A. I am just reading from the report. I don't have --

3 Q. Okay. Well, let's go over September 6th, 2016, report.

4 So at University of North Texas to rile as many
5 liberals as possible, I was armed, right? Did I have a CHL
6 at that time?

7 A. I would have to go back and cross-reference. I believe
8 the report that I have in front of me stated that you said
9 you had a concealed to carry weapon on campus.

10 Q. Did the police examine my concealed handgun license?

11 A. I'm not sure. I don't recall.

12 Q. Up to my recollection, yes, they did. Did they arrest
13 me?

14 A. I don't recall. I don't believe so.

15 Q. Okay. So was I illegally and unlawfully brandishing a
16 firearm -- a firearm in a threatening manner?

17 A. I don't know, sir. I was not there.

18 Q. Did the police say that I was brandishing my firearm in
19 a threatening manner?

20 A. I don't believe so.

21 Q. Okay. So on numerous occasions you gave -- you did not
22 give full report. You selectively chose certain phrases to
23 testify against me?

24 A. I read from the summary of the report, yes, sir.

25 Q. Okay. So you said that I have over 70 police reports

1 against me, right; is that correct?

2 A. That number sounds to be in the correct range.

3 Q. Correct? Have I ever been even charged with a violent
4 crime --

5 A. Yes.

6 Q. -- excluding the perjured testimony in front of the
7 Grand Jury by Lucas Machicek?

8 MR. COAN: Your Honor, I just ask that Mr. Yoo
9 allow the witness to answer the question.

10 THE COURT: Mr. Yoo, you have to give the witness
11 an opportunity to respond to your question before you ask the
12 next question. Okay?

13 MR. YOO: Yes, sir.

14 THE COURT: Try not to step over his response.

15 MR. YOO: Apologize, sir.

16 BY MR. YOO:

17 Q. Have I ever been charged with a violent crime?

18 A. Yes, sir.

19 Q. On which occasion?

20 A. The occasion was the aggravated assault in Smith County,
21 Texas.

22 Q. Okay. Are you familiar with Mr. Machicek? That's how I
23 say it, or Machicek (different pronunciation)?

24 A. I am familiar with him, yes, sir.

25 Q. Are you aware of his testimony in front of a Grand

1 Jury?

2 A. No, sir, I am not privileged to that Grand Jury.

3 Q. He told Grand Jury that I -- I pointed my handgun at
4 Darrell Franklin and threatened to kill him, thus committing
5 aggravated assault. Is that accurate pursuant to the Tyler
6 PD police report?

7 A. I believe -- I can't answer that question because I was
8 not there to answer -- to know that is what he said.

9 Q. Do you have the aggravated assault Tyler PD report by
10 Sgt. A. Colby, Agent Reed?

11 A. I believe I have that Tyler PD report that I can pull up
12 for you, yes, sir.

13 (Pause in proceedings.)

14 A. I have the report, sir.

15 Q. Yes, sir. So you have the report by Sgt. A. Colby,
16 correct, Tyler PD?

17 A. By who, sir?

18 Q. Sgt. A. Colby, Colby?

19 A. Let me get there. There are several supplements. Let
20 me make sure I am at the right location for you, sir.

21 Q. Oh, before we proceed, can you tell me which section
22 describes aggravated assault in the Texas Penal Code?

23 A. Hold on. Let me find this report for you, sir.

24 (Pause in proceedings.)

25 A. All right. I have the report. What was your --

1 Q. All right. So before we begin, are you familiar with
2 Texas Penal Code for aggravated assault, can you tell me the
3 code name?

4 A. On the incident report it is listed as 22.02.

5 Q. 22.02. Do you know what it says?

6 A. You'd have to refresh my memory, sir.

7 Q. Do you want me to read it out to you?

8 A. Not particularly, but -- unless -- I'm not familiar with
9 it, but --

10 Q. Okay. So -- so you are not familiar with the code,
11 correct, like word by word?

12 A. I am not trained in Texas police crimes.

13 Q. Does it say any one of us four, including Matt Lack, you
14 know, actually hurt someone? Like, did anyone get physically
15 injured during the commission of this crime?

16 A. It is my understanding that no one was physically hurt
17 during the commission of this crime.

18 Q. Okay. Did anyone actually aimed the pistol at the
19 residents and threaten to kill them or seriously
20 injury -- cause serious bodily harm?

21 A. I don't know the intent of the individuals involved in
22 this, sir.

23 Q. So -- so what does that Tyler PD report say? Does it
24 say that -- whether anyone actually like made death threats
25 or of -- threats of serious bodily injury?

1 (Pause in proceedings.)

2 A. It stated that -- what was the question again? Can you
3 refresh my memory on the question, sir?

4 Q. Does it say that any one of us four either -- I
5 mean -- sorry.

6 Does it ever say that any one of us four actually
7 threatened to cause death or bodily -- serious -- serious
8 bodily harm, injury, upon Darrell Franklin and his family?

9 A. I don't know if it specifically says that. It says that
10 there was a threatening with -- individual with a handgun,
11 which in my understanding, in my judgment, not trained in
12 Texas law but in just general violent crime, threatening
13 someone with a handgun is a serious threat of bodily injury.
14 In fact, as a law enforcement, if someone threatens me with a
15 handgun, I can reply with deadly force because that is deadly
16 force.

17 Q. Correct. But -- but do they actually have any proof?

18 A. That would be a question that -- that I can't -- I'm not
19 a jury, sir.

20 Q. So do you know the difference between an aggravated
21 assault and an unlawful brandishing of a firearm?

22 A. You would have to refresh my memory on the difference of
23 that.

24 Q. Okay. So the aggravated assault would be, you know, me
25 pointing a gun at you and saying, "I am going to kill you

1 with this gun." That would be aggravated assault, correct,
2 because the person that does -- of that definition like
3 threatening to cause serious bodily harm.

4 Unlawful brandishing of a firearm would be just
5 holding the gun and not making the specific threat.

6 So -- and then what was my role in it? I do
7 believe that I took the pistol away from Matt Lack, is that
8 correct, Darrell Franklin's testimony?

9 A. I believe you provided the pistol. And then under -- he
10 said that you took it from him placing it in his trenchcoat
11 after it was pointed at him.

12 Q. Placed it in his trenchcoat?

13 A. I'm reading, it says, he pulled it out for a third time,
14 and you took it from him, placing it in his trenchcoat.

15 Q. Okay. Does it say that I provided Matt Lack a firearm?
16 Does it clearly say that I provided Matt Lack a firearm?

17 A. I believe that is from my understanding of a further
18 investigation on this incident.

19 Q. Further investigation. So even if I did provide Matt
20 Lack a firearm, I did not commit aggravated assault, neither
21 Matt Lack committed aggravated assault. So pursuant to
22 the -- the -- the letter and the spirit of the Texas Penal
23 Code, if Matt Lack -- if your -- your investigative --
24 investigative analysis is correct, Matt Lack committed
25 unlawful brandishing of a firearm, and then I committed

1 unlawful transfer of a firearm. Is that correct?

2 A. I can't make a judgment on that, sir.

3 Q. If your -- your -- your personal investigative data is
4 inaccurate, Matt Lack committed theft of a firearm and
5 unlawful brandishing of a firearm, none of which was
6 aggravated assault committed on my part; is that correct?

7 Because I did not point the gun at him, did I?

8 A. I don't know. I was not there, sir.

9 Q. Did the police report say that I pointed the gun, or the
10 victim's statement?

11 A. The report does not say that you pointed a gun at the
12 individual.

13 Q. So I have not committed any -- any violent -- any
14 violent crimes?

15 A. A Grand Jury charged you with the crime, sir.

16 Q. Yes, after perjured testimony from Lucas Machicek, are
17 you aware of that?

18 A. Again, I am not privy to his testimony, sir. I can just
19 see that a Grand Jury charged you with aggravated assault
20 with a deadly weapon.

21 Q. Do you have my discovery, sir? Do you have access to
22 every single one of my discovery files?

23 A. If we are talking about the same information, I
24 should.

25 Q. His testimony was in my discovery files. Why haven't

1 you reviewed it, sir?

2 A. I would have to refresh my memory. I don't believe
3 Grand Jury proceedings -- I have not received that report
4 myself. But there are lots of investigators on this case.

5 Q. So -- so -- so -- so did I commit an aggravated
6 assault?

7 A. Again, sir, I am not a jury. I can't decide your fate,
8 whether you are guilty or not guilty of this crime.

9 Q. So what was the disposition of the case?

10 A. It states the case was dismissed.

11 Q. Correct. Did I have any other charges of a violent
12 crime?

13 A. I don't -- I have never seen any other charges of a
14 violent crime.

15 Q. Not of a terroristic threat, correct?

16 A. Not to my knowledge, no, sir.

17 Q. So you are telling me that I had 70-plus police reports
18 against me, oh, yeah, I feel uncomfortable. He threatened to
19 kill me, he threatened to kill this, he threatened to kill
20 that. I have zero criminal charges, zero criminal
21 complaints, and zero criminal affidavits.

22 A. I have not seen any other criminal affidavits relating
23 to a terroristic threat. But I have seen multiple police
24 reports, if that is your question, yes, sir.

25 Q. So are you trying to admit perjured hearsay into the

1 record? Are you attempting to admit perjured hearsay into
2 our record?

3 A. I take it you are accusing me of perjury when everything
4 I am saying is reading off reports, sir. So I take a big
5 offense to that because that is a question against my honor.

6 But, yes, sir, I am reading off multiple police
7 reports from where you have been involved in those, and all I
8 can do is read the reports. I wasn't at the scene. But the
9 totality of all of these reports suggests that some people
10 are reporting it for some reason. I am pointing them out to
11 the Court as we have received them. That is all I have done,
12 sir.

13 Q. No, sir.

14 A. Nowhere have I made up any information about you in
15 this. I am simply reading from the reports.

16 Q. At this hearing I am not -- I am not accusing you of
17 perjuring yourself. I am accusing those individuals who
18 filed the report. Possibly, okay, possibly accusing them of
19 perjury, and I am accusing you of --

20 A. No, sir, you accused me --

21 Q. -- incompetency.

22 A. You accused me of perjury, so that is why I put it on
23 the record.

24 Q. Moving along.

25 THE COURT: Mr. -- Yes. Let's move along,

1 please.

2 BY MR. YOO:

3 Q. Moving on. So license to carry a handgun.

4 A. Yes, sir.

5 Q. So it says that -- what was the -- what did they say the
6 grounds to revoke my license to carry -- carry a handgun
7 was?

8 A. I don't have the direct in front of me, but I believe it
9 was because the Texas State Medical Board had ruled you were
10 no longer medically qualified to carry a handgun, and lied on
11 your application.

12 Q. Based on which -- which legal basis?

13 A. There was a report I saw where the Medical Board of
14 Texas, I believe it was three different doctors signed off on
15 that?

16 Q. Yes. What was the reason?

17 A. I can get the report for you probably.

18 Q. Yes, sir. Proceed?

19 THE WITNESS: Do we have that?

20 (Pause in proceedings.)

21 MR. COAN: Your Honor, may I approach?

22 THE COURT: You may.

23 (Document given to the witness.)

24 A. It says:

25 You have been ineligible for license under

1 Government Code Section 411.172(a)(7) and
2 Section 4111.72(a)(14) [sic].

3 The department now amends and adds additional
4 ground for revocation, Government Code Section 411.186(a).

5 The department shall revoke a license issued under
6 this section if the license holder was not entitled to a
7 license at the time it was issued.

8 BY MR. YOO:

9 Q. Okay. Why wasn't I -- why wasn't I entitled?

10 A. I am, again, reading from the claim.

11 It says: The Texas Department of Public Safety
12 asserts the decision to revoke a license is supported by a
13 preponderance of the evidence. A statement made against his
14 own interest, the licensee, was not allowed due to mental
15 reasons. And you failed to disclose any treatment in any
16 mental health institution during your application process in
17 2006.

18 Q. So. Okay -- so --

19 A. Then it says -- sorry -- Medical Board notified the
20 department that the licensee was ineligible for license under
21 Government Code 411.172 --

22 Q. So during that time was I ordered to be under
23 treatment?

24 A. I don't know, sir.

25 Q. Okay. So -- so are you familiar with the procedure for

1 revocation of license and suspension of Texas CHL license?

2 A. I have a working knowledge, yes, sir.

3 Q. So one of the affidavits for my -- my license of
4 revocation says that -- that my -- what was it? One of the
5 affidavits say that -- that -- that I have been indicted --
6 or, no, I'm sorry, I've been charged with aggravated assault.
7 Is that correct?

8 A. Yes. Under the section that says "additionally" via --
9 pursuant to Government Code 411.187?

10 Q. Yes, sir. Also are you -- sorry. Are you still
11 testimony? I mean --

12 A. If you want me to, I can continue to read that section
13 of the affidavit, sir.

14 Q. Okay. So are you aware of the fact that I actually
15 submitted expert witness testimony by Dr. Andrew Daren, who
16 evaluated me for eight-plus hours and found nothing wrong
17 with me, him advocating me retaining my CHL. And Medical
18 Advisory Board completely disregarded his expert testimony
19 possibly and potentially based on their political bias.

20 A. I have no idea how the Medical Board makes their
21 decisions. I can just see that the Medical Board said you
22 were no longer able to possess a handgun for judgment -- not
23 capable of exercising sound judgment with respect to the
24 proper use and storage of a handgun. But I have no idea how
25 the Medical Board makes their determinations.

1 Q. Did they prove that I lacked sound judgment?

2 A. Again, sir, I have no idea how the Medical Board makes
3 their decisions. The only thing I have in front of me is
4 that the Medical Board of Texas wherever -- this Medical
5 Board said that you do not have sound judgment with respect
6 to the proper use and storage of a handgun.

7 Q. Do they submit any evidentiary basis like evidence?

8 A. Again, sir, I don't know how the Medical Board of Texas
9 works.

10 Q. Okay. So moving on.

11 I believe that under an Indictment of a felony or a
12 charge of a Class A or B misdemeanor, a License to Carry a
13 Handgun is a subject -- is subject to suspension, not
14 revocation; am I correct?

15 A. I believe that is what it says, at least according to
16 this -- again, I am not familiar with the exact wording of
17 the law. But, according to the document I have in front of
18 me, it says: The department shall suspend a license under
19 this section if the license holder is charged with a
20 commission of Class A or B equivalent.

21 Q. Did --

22 A. Or an offense -- or a felony under Information or
23 Indictment, yes, sir.

24 Q. Did they postpone my appeal hearing following the
25 Indictment, and did they issue suspension of my license

1 following the felony Indictment? Because I do believe March
2 17th my aggravated assault case was still pending, correct?

3 A. I would have to check on when your case was dismissed,
4 but -- your dismissal was in June of 2017.

5 Q. All right. So it was still pending Indictment, correct,
6 which means they should have postponed the hearing and
7 suspended my license?

8 A. Again, I don't know the procedure. I just know that a
9 judge in Smith County revoked your license.

10 Q. In your knowledge, was it pursuant to proper due
11 process, in your knowledge?

12 A. I have no knowledge of whether due process was followed,
13 only the records that show in March the judge issued an order
14 affirming the revocation of your license to carry.

15 Q. Okay. Moving on.

16 So Texas Rangers -- so Texas Rangers -- so do you
17 know a person who reported me to Texas Rangers stating that I
18 made threat to kill all Jews and the blacks in Washington,
19 DC?

20 A. I believe it was in the report, yes, sir.

21 Q. Why didn't you file subpoena on her, Kim Allen?

22 A. I have a report from the Texas Department of Public
23 Safety, Texas Rangers, sir.

24 Q. Do you know if this is a truthful, truthful report by
25 Kim Allen?

1 A. I don't know. All I know is that it is a Texas Rangers
2 report. And in my experience in dealing with the Texas
3 Rangers, they are very credible and thorough, and I have
4 never, in my experience, come across a Texas Rangers report
5 that is false, sir.

6 Q. Okay. So Texas Rangers did not affirm or confirm --
7 like affirm or even confirm the fact that I actually made
8 these threats, correct?

9 A. All I have in the report, it says in regard to
10 conversations -- it says while -- you talking to the Rangers,
11 it says, while I was there, I did say that -- and it goes
12 into talking about -- you not having personal actions but
13 that you were talking about groups in general.

14 Q. So groups in general, that is not a terroristic
15 threat?

16 A. Again, it is entirely context based, sir.

17 Q. So nothing applies to my personal actions. And are you
18 familiar with David Bigg's report?

19 A. Yes, sir, I have it front of me, yes, sir.

20 Q. Does that report state that I was a president of a
21 socialist party?

22 A. It does say a member of a socialist party.

23 Q. So, which is exactly opposite of my political ideology
24 as a right-wing capitalist and fascist and a
25 constitutionalist, correct?

1 A. Again, I am not qualified to make a political --

2 THE COURT: Mr. Yoo, can you help me with the
3 relevancy here?

4 MR. YOO: I mean, sir, Agent Reed submitted a bunch
5 of irrelevant --

6 THE COURT: How is this line of inquiry relevant to
7 the determination I have to make on your appeal of the
8 detention hearing?

9 MR. YOO: Because, sir, I am trying to strike the
10 credibility. Are you objecting in behalf of the prosecution,
11 sir?

12 THE COURT: No. I am trying to regulate the
13 conduct of this hearing, and I am trying to understand
14 how -- what the relevancy of this is. If you can demonstrate
15 what it is, I will allow you to continue. I am just having a
16 hard time seeing it right now.

17 MR. YOO: I am trying to say that -- that all of
18 these reports -- reports of me allegedly being a threat to
19 the society is actually not credible at all.

20 THE COURT: All right. Well, why don't you
21 continue.

22 MR. YOO: Yes, sir.

23 BY MR. YOO:

24 Q. All right. Do you know who from the Andrews Center
25 evaluated me?

1 A. It says case reviewed with Dr. Behrooz -- something of
2 that nature.

3 Q. That is from ETMC, sir. From Andrews Center, sir?

4 A. I don't have that on this report.

5 Q. Camille Prinz, what is the illegal basis for not issuing
6 subpoena on her if you wanted to prove that I am a threat and
7 this is a credible report?

8 A. Again, sir, I don't -- I collect reports in front of me
9 and look at the totality of those reports, and I present them
10 to the Court.

11 My -- you know, my answer is that the
12 investigation, I investigated you on your violations of
13 federal firearms laws. And in the course of the evaluation,
14 I have come across this evidence provided by other
15 investigators, and I am simply providing it the Court, and --

16 Q. I -- sorry -- sorry. I will address that.

17 So criminal trespass. Ticket, right, and the
18 failure to appear warrant? So I believe the trial -- that
19 trial was set sometime during May; is that correct?

20 A. I would have to look at the record, but that sounds
21 correct, sir.

22 Q. Was I able to attend that trial?

23 A. I don't know, sir.

24 Q. Well, where was I back in May 2018?

25 A. I believe you were in the Gregg County Jail, sir.

1 Q. Exactly. Whose responsibility is it for -- to transfer
2 me to the Court?

3 A. It would probably fall under the United States Marshal
4 Service. I don't know though.

5 Q. Did they offer to transport me?

6 A. I don't know, sir.

7 Q. Okay. So what is a criminal trespass?

8 A. As I mentioned earlier, criminal trespass is when a
9 property owner or a property manager makes a formal complaint
10 and says this individual is no longer allowed back on my
11 property. It is logged in the system. And then when that
12 individual shows back up at the property, it serves as --
13 they could be arrested for coming back on criminal
14 trespass.

15 Q. So did they file -- sorry. Did they serve me with
16 paperwork that I have been criminal trespassing? Did Walmart
17 serve me any paperwork?

18 A. My understanding is that is not how the process works.
19 But from some of the reports I have gone into, it does say
20 you were notified.

21 Q. So did I knowingly and willingly trespass into that
22 property?

23 A. I don't know, sir.

24 Q. Is this a violent crime?

25 A. Is criminal trespass a violent crime?

1 Q. No.

2 A. Is that what you are asking, sir?

3 Q. Yeah.

4 A. No, sir. I don't believe it is not under federal --

5 Q. So --

6 THE COURT: Hold on.

7 Q. -- it is a Class B misdemeanor --

8 THE COURT: Mr. Yoo, you can't start asking a
9 followup question until the witness has been allowed to
10 answer your first question. All right? So y'all don't step
11 on top of each other.

12 MR. YOO: I sincerely apologize, sir.

13 BY MR. YOO:

14 Q. So this is not a violent crime?

15 A. No, under most definitions of violent crime --

16 Q. So this --

17 A. -- criminal trespass is not a violent crime.

18 Q. So this is a Class B misdemeanor, if I recall?

19 A. I believe that is correct, sir.

20 Q. All right. So moving on.

21 So I was out on bail back in -- pending more
22 serious charge of aggravated assault; is that correct?

23 A. Again, I don't have that in front of me, sir, but I
24 believe that is correct.

25 Q. Does aggravated assault guarantee deportation of

1 permanent residents?

2 A. I am not an immigration agent, so I don't know.

3 Q. Yes. Did I ever break a bond condition while I was on
4 bail?

5 A. I don't know, sir.

6 MR. YOO: Actually, yeah -- actually, Your Honor, I
7 would like to address it when I am testifying -- testifying
8 for myself.

9 Q. Did I commit any violent crime while I was out on bail,
10 to the best of your knowledge?

11 A. To the best of my knowledge, you did not.

12 Q. Did I miss a single court date?

13 A. I don't know, sir.

14 Q. Did I flee?

15 A. I don't believe so, sir.

16 Q. I didn't flee pending a much serious charge.

17 So going back to what you said -- oh, sorry.

18 Please answer the question. So I did not flee pending a much
19 more serious charge than the charge that I am facing right
20 now?

21 A. I am not -- again, I don't know exactly your condition,
22 but I have no understanding that you fled.

23 Q. Okay. Did my followers supply me with any safe haven to
24 safely be a fugitive from justice or supply me with any
25 weapons?

1 A. I don't know, sir.

2 Q. Was I armed while I was out on bail?

3 A. I don't know, sir.

4 Q. So you have --

5 A. I know you were armed when I arrested you in April of
6 two thousand -- this year, but I don't know if you were armed
7 any time during that time.

8 Q. Was I out on bond -- so did I have a bond condition back
9 saying I wasn't supposed to own any guns?

10 A. I don't know that, sir.

11 Q. So you have no evidentiary basis to back up your belief
12 that my -- my followers would -- would arm me or help me
13 flee?

14 A. No, sir. I just have an understanding that your
15 followers are willing to do things for you and to answer to
16 your commands to do things, and I have experience with that
17 of you demanding your followers to do things.

18 I have interviewed some of your associates and
19 followers who believe that you -- they would do things for
20 you, and I have known your followers to do things for you in
21 the past.

22 Q. Can you name one?

23 A. We have -- Bo Walker is one of your followers. The
24 other followers' names we have come across Romello Hodge and
25 other unidentified individuals.

1 Q. Bo Walker is my coach, sir, not my follower. And when
2 did you interview Romello Hodge?

3 A. I have not interviewed Romello Hodge.

4 Q. How do you know of his presence?

5 A. Through investigative means.

6 Q. So you mentioned two names, Bo Walker and Romello Hodge.

7 You interviewed Bo Walker, correct?

8 A. Yes, sir.

9 Q. Did he say that he was going to help me be a fugitive
10 from justice?

11 A. No, sir.

12 Q. Okay. Did he say that he was going to supply me with --
13 with -- with weapons if I have a bond condition saying I am
14 not supposed to own any weapons?

15 A. He did not say that exact wording, sir.

16 Q. Okay. So your only knowledge is that he had friendly
17 disposition of me?

18 A. Yes, he stated you were the leader of this group.

19 Q. Can I get a copy of that interview?

20 A. I am sure you can, yes, sir.

21 Q. All right. So -- so about federal firearms charge, what
22 does -- what does -- sorry. Does 924(a)(1)(A) state that any
23 false statement on ATF 4473 form?

24 A. What was the question, sir? I don't understand the
25 question.

1 Q. Does 924(a)(1)(A) state that any false statement on ATF
2 Form 4473?

3 A. Hold on one second, sir. It is knowingly making false
4 statements and representations to a dealer licensed under
5 Chapter 44, Title 18, United States Code. With respect to
6 information required by the provisions of Chapter 44 of
7 Title 18 of United States Code to be kept in the record of a
8 dealer, is a violation of 924(a)(1)(A).

9 Q. So, basically, this is a charge regarding me making a
10 false statement regarding some information that has to do
11 with dealer and the record keeping, correct --

12 A. Yes, sir.

13 Q. -- required to be kept?

14 A. You made false statements on an ATF Form 4473.

15 Q. Yes. Does the charge say any false statement regarding
16 the -- sorry. Any false statement on the ATF Form 4473, like
17 any and all statement, any?

18 A. The cite would be: Indictment states you knowingly made
19 false statements and representations to a dealer under the
20 provisions of Chapter 44 of Title 18, United States Code with
21 respect to the information required by the provisions of
22 Chapter 44, Title 18, to be kept in the record of a dealer.
23 And the Defendant did execute Bureau of Alcohol, Tobacco,
24 Firearms, and Explosives Form 4473 firearms transaction
25 record and falsely listed his country of citizenship as

1 United States of America when, in fact, he is not and at the
2 time of the false statements a United States citizen.

3 Q. Okay. So it is a false statement regarding information
4 required to be kept by FFL record keeping, not any false
5 statement on ATF 4473 form, correct?

6 A. I don't know -- I don't understand your question, sir.

7 Q. Well, those two are vastly different, sir. Any false
8 statement would be like, oh, yeah, if I say my favorite color
9 is brown and when my favorite color actually is blue, but I
10 just felt like brown -- felt like brown that day and I
11 answered brown, I would be guilty of that charge. However,
12 required to be kept by FFL record pertains to specific
13 information?

14 A. Yes, sir. The 4473 form itself, which is the Government
15 in its entirety, includes a warning of perjury. It is an
16 official Government form. That form is required by law to be
17 kept by all federal firearms licensees, so the records
18 required to be kept by the dealer is the 4473 form.

19 Q. The entire form, every single question on that form?

20 A. Is subject to having to be answered truthfully and
21 completely as noticed on the bottom of the form.

22 Q. So every single question on that form is -- so are you
23 saying that every single question on that form
24 pertains -- sorry. Pertains to information -- required to be
25 kept by FFL at record keeping, and do you swear this under

1 the penalty of perjury?

2 A. I don't understand what you are asking me. I will read
3 you from the form: ATF Form 4473, which is required to be
4 kept by federal firearm licensees, the purpose of this form,
5 the information and certification on this form are designed
6 so that a person licensed under 18 USC subsection 923 may
7 determine if he or she may lawfully sell or deliver a firearm
8 to the person in identified in Section A and to alert the
9 buyer of certain restrictions on the receipt and possession
10 of firearms. This form should only be used for the sell or
11 transfer when the seller is licensed under 18 USC 922.

12 It goes on. And then it talks about -- that's on
13 all of the different versions of this form. So that is the
14 purpose of the ATF Form 4473 --

15 Q. Yes, but --

16 A. -- it says: I sign and certify the answers and the
17 sections are complete, and I have read the notices,
18 instructions, and definitions of ATF Form 4473.

19 Q. Sir, are -- sir, are you familiar with -- wait. Are you
20 still --

21 A. Oh, no.

22 Q. Are you familiar with 922(b)(5)?

23 A. You have to refresh my memory.

24 Q. 922(b)(5), I have it out here.

25 All right. So it shall be unlawful for any

1 licensed importer, licensed manufacturer, licensed dealer, or
2 licensed collectors to sell or deliver (5) any or -- sorry --
3 any firearm or armor-piercing ammunition to any person unless
4 the licensee notes in his record, required to be kept
5 pursuant to Section 923 of this chapter, the name, age, and
6 place of residence of such person if the person is an
7 individual, or the identity and principal and local places of
8 businesses of person if the person is a corporation or other
9 business entity.

10 Did I make false and misleading statements
11 regarding these three information; name, age, place of
12 residence, and --

13 A. I --

14 Q. -- and address?

15 A. I don't know if what you are referring to is the
16 ATF 4473, but you did make false information on the
17 ATF 4473.

18 Q. It says word by word on 922 Bravo (5) required to be
19 kept pursuant to Section 923 of this chapter?

20 THE COURT: Mr. Yoo -- Mr. Yoo, I think you are
21 sort of getting to some of the underlying facts that the
22 Government will seek to prove at the trial of this case. But
23 I am having trouble following how it is relevant to today's
24 proceeding. Can you help me understand that?

25 MR. YOO: Yes, sir. The Government is trying to

1 use the -- the charges that I am allegedly -- sorry. Federal
2 criminal codes that I am allegedly charged of to prove that I
3 am a -- that I am danger to the community or flight risk.

4 So --

5 THE COURT: I agree. But we are not going to reach
6 a determination on whether you are guilty of the crimes that
7 you have been indicted for --

8 MR. YOO: Yes, sir.

9 THE COURT: -- until we have the trial, and the
10 jury will make that determination.

11 MR. YOO: Yes, sir. All right. May I continue?

12 BY MR. YOO:

13 Q. So did I have -- can you prove the fact that I had any
14 intent of deception by filling out of these forms?

15 A. Yes, sir.

16 Q. Oh, really?

17 A. Well, I mean, I can show that you checked you are a
18 United States citizen when you are not a United States
19 citizen. That is deceptive because you are not a United
20 States citizen.

21 Q. But intent of deception for which purpose?

22 A. I don't intend to know why you filled out these forms
23 incorrectly, only that you checked the box that you are a
24 citizen of the United States country, when it is clear that
25 you understand you are not a citizen of this country, so your

1 intent to deceive is clear, in that you checked the box
2 multiple times and also did it correctly sometimes.

3 So the question of whether or not you have checked
4 this box and lied on this form is right here on this form
5 here, sir. You are not a United States citizen, but you
6 checked the box --

7 Q. So --

8 A. -- you were a United States citizen.

9 Q. Sorry. Sorry.

10 A. No.

11 Q. So that is the only part that I actually, quote,
12 unquote, put the false information on, correct? Not address,
13 not Social Security number?

14 A. No, in fact, there are other false place -- false
15 informations on the form. One time you placed your birth as
16 Fort Worth, Texas, spelled F-O-R-T. Another time you placed
17 your birth as Ft. Worth, Texas with the abbreviation
18 Ft. Worth, F-T Worth, so that is, obviously, not where you
19 were born, sir.

20 Q. So, based on those two informations, you are telling me
21 that it makes -- it makes a huge difference in ability for a
22 law enforcement agency to track me down in case a violent
23 crime were to occur, which is the purpose of Gun Control Act
24 of 1968?

25 A. All I know is that as an ATF agent looking at this

1 Form 4473, you have provided false information multiple times
2 on a firearms transaction record with regarding the transfer
3 of firearms, in violation of federal law.

4 Q. Well -- okay. Are you aware of the affidavit for record
5 custodian of Brian Allen Parker?

6 A. You have to refresh my memory.

7 Q. Brian Allen Parker is a NICS record custodian who wrote
8 an affidavit. And on that record, every single one of those
9 seven counts on my Indictment has been registered on the
10 correct day to the NICS transaction record. So, again, what
11 was my intent to deceive?

12 A. I don't believe these things were on the NICS record.

13 THE COURT: Hold on just a moment.

14 Mr. Coan?

15 MR. COAN: Your Honor, I have tried to be patient.

16 We are far afield from the questions of whether or not he is
17 a danger or a flight risk. We are litigating trial issues --

18 THE COURT: Absolutely. I will sustain the
19 objection.

20 Mr. Yoo, move on.

21 MR. YOO: Okay.

22 BY MR. YOO:

23 Q. All right. So -- so the conclusion to this
24 cross-examination, I have not been charged with a terroristic
25 threat, and I have not been charged with -- I have not been

1 charged with a single violent crime other than that
2 aggravated assault, which was, you know, based on a lie,
3 correct?

4 A. I do not know if you have been charged with a
5 terroristic threat, and the aggravated assault is the only
6 other charge that I know that is a serious violent crime.

7 Q. Which was dismissed?

8 A. Yes, sir.

9 Q. And that which, according to the police report, I did
10 not point a gun or threaten anyone?

11 A. That's correct.

12 Q. Okay. And -- and -- sorry. And -- and if there were
13 any evidentiary basis, don't you think I would have been
14 charged with a terroristic threat?

15 MR. COAN: Your Honor --

16 A. I don't know.

17 THE COURT: Hold on.

18 Mr. Coan?

19 MR. COAN: Argumentative.

20 THE COURT: I will sustain the objection. I don't
21 think it is particularly relevant, but --

22 MR. YOO: All right. This -- this concludes my
23 cross-examination, Your Honor.

24 THE COURT: Thank you very much.

25 Mr. Coan, any redirect?

1 MR. COAN: No, Your Honor. May this witness be
2 excused?

3 THE COURT: Yes. The witness may step down.

4 Let's take a short recess before we continue with
5 the next witness.

6 (Recess was taken at this time.)

7 THE COURT: Please be seated.

8 Mr. Machicek, you may call your next witness.

9 MR. MACHICEK: Thank you, Your Honor. The United
10 States called Matthew Lack.

11 THE COURT: Come forward and have Ms. Schroeder
12 swear you in.

13 (Witness sworn.)

14 THE COURT: Come forward.

15 MATTHEW LACK, GOVERNMENT'S WITNESS, SWORN,

16 DIRECT EXAMINATION

17 BY MR. MACHICEK:

18 Q. Good afternoon, Mr. Lack. How are you today?

19 A. I'm fantastic. Thank you for asking.

20 Q. For the purposes of the record, would you please state
21 your full name?

22 A. Matthew Douglas Lack.

23 Q. And, Mr. Lack, where do you reside, what city?

24 A. Tyler, Texas.

25 Q. What do you do for a living in Tyler, Texas?

1 A. I do marketing for a small business in Tyler.

2 Q. Do you know the gentleman seated over here, the
3 Defendant in this case, Heon Jong Yoo?

4 A. I do.

5 Q. And how is it you know Heon Jong Yoo?

6 A. I was friends with him for a short while before becoming
7 involved in a crime with him.

8 Q. Were you also a roommate of his for a period of time?

9 A. I was.

10 Q. Okay. And during the period of time that you all had
11 this friendship and the period of time that you were
12 roommates, did you know Mr. Yoo to possess numerous
13 firearms?

14 A. Absolutely.

15 Q. During the time that y'all were friends and roommates,
16 did you know Mr. Yoo to make statements about firearms,
17 specifically altering serial numbers?

18 A. Absolutely.

19 Q. Did you know Mr. Yoo to make statements regarding
20 silencers and their use of obscuring forensic analysis of
21 ballistics?

22 A. On multiple occasions.

23 Q. Did you experience Mr. Yoo to express anger and
24 violence?

25 A. On multiple occasions.

1 Q. Can you explain to the Court instances in which you
2 experienced personally Mr. Yoo's violent activities?

3 A. Several instances. One being the most important, at
4 least to me physically. I think I had slept late, and he
5 asked me if I would have gotten up earlier than the time I
6 slept till.

7 The kitchen was a bit out of order, and commanded
8 me -- not asked -- parentheses on that "commanded me" -- to
9 clean it or I would be punished. And I said, no, because I
10 didn't appreciate the way I was being talked to. I felt like
11 an animal.

12 And then he presumed to command me to do pushups;
13 and when I wouldn't do that, he put my left arm in a hold, my
14 left arm specifically. And as he did that, something tore or
15 ripped.

16 And after the incident, I have had several
17 occasions where I have had to call an ambulance because I
18 have woken up because my shoulder has been out of place, and
19 I can't put it back in myself, and the pain is excruciating.
20 And that is what happened there.

21 Q. And so it is my understanding then that in the roommate
22 relationship that you had with Mr. Yoo, you were expected to
23 perform certain tasks; is that right?

24 A. Yes, sir.

25 Q. And failure to perform those tasks were met with rage on

1 his part?

2 A. Yes, sir, and physical abuse, as well as mental abuse.

3 Q. You were made to do things like pushups?

4 A. Correct, yes, sir.

5 Q. And you described for the Court just now an incident
6 where you were physically assaulted by Mr. Yoo?

7 A. Yes, sir.

8 Q. During the course of your friendship and this roommate
9 relationship with Mr. Yoo, did he make statements about his
10 family having great wealth?

11 A. Yes, on multiple occasions.

12 Q. And did he describe his family's wealth as an asset to
13 him if it were to come upon him that he found himself in
14 trouble with law enforcement?

15 A. Yes, on multiple occasions.

16 Q. And how did he express to you that his family's wealth
17 would impact the situation where he were confronted by law
18 enforcement?

19 A. I believe that his family's wealth would impact him
20 greatly and -- in an attempt to flee the United States and
21 seek refuge in a country that is not here. I believe also
22 his wealth would be used to hide -- to hide him. His family
23 could be used and utilized to hide him and provide him with
24 weaponry as well.

25 Q. Are you aware of any other friendships, affiliations, or

1 associations held by Mr. Yoo that would allow him to hide
2 himself from law enforcement or arm himself against law
3 enforcement?

4 A. Absolutely.

5 Q. And what are those affiliations or associations?

6 A. During my time with Hank, I soon began to realize that
7 the friendships that he had developed and the people that he
8 associated himself with were people that striked fear in me
9 and made me very nervous about my own safety, as well as the
10 safety of others in the City of Tyler, which is where we were
11 residing at the time.

12 I know that the people that he was in contact with
13 or in a friendship with could provide him with weaponry or
14 vice versa, him -- them with weaponry to hurt people.

15 I know that the people he were with had no regard
16 for the law. As a matter of fact, had a disregard for the
17 law and didn't really care what it took to accomplish their
18 goals.

19 Q. And is there any specific organization that you are
20 familiar with that Mr. Yoo associated with during your time
21 as roommate or friendship relationship that would meet the
22 description that you've just provided to the Court?

23 A. Absolutely. I recall being told on occasion about the
24 Smith County Lightfoot. I'm not very familiar with what it
25 is, where they are located, or the numbers that they have in

1 their organization. But I know that they are to be feared
2 and are able to -- to get things taken care of that needed to
3 be taken care of based on their idealistic views.

4 Q. Okay. And, specifically, their views or ideology, what
5 would that associate with in your estimation?

6 A. I had never heard someone say that the Jews were -- it
7 was a good thing that the Jews were slaughtered in the
8 numbers that they were.

9 I had never met someone that idolized Adolf Hitler
10 until I met Hank. And fear was developed in me at that point
11 because Hitler slaughtered many innocent, not only Jews, but
12 Muslims and Christians as well. And he loved the fact that
13 Hitler did what he did, and it almost seemed as he wanted to
14 reiterate it into 21st Century America here in the U.S.

15 Q. During your time of friendship in living with Mr. Yoo,
16 did he ever make any statements to you about his mental
17 health history?

18 A. Absolutely.

19 Q. Did he make statements or admissions to you that he had
20 been previously committed for mental health treatment?

21 A. Yes, sir.

22 Q. Did he describe to you instances in which he had
23 attempted to enlist in the Army and was rejected on the basis
24 of his mental health evaluation?

25 A. Yes, sir.

1 Q. Specifically, I want to talk to you about some of the
2 activities that Mr. Yoo engaged in during the time that you
3 knew him and lived with him.

4 Obviously, you are the person in the courtroom who
5 has spent the most time and knows Mr. Yoo best, and I want to
6 talk to you a little bit about some of the activities that
7 you witnessed him engaged in, perhaps activities that you may
8 have participated in yourself.

9 Was there ever any attempt on the part of Mr. Yoo
10 to incite altercations or violence with specific
11 individuals?

12 A. On multiple occasions in Tyler.

13 Q. And how would Mr. Yoo achieve that?

14 A. We would get in his black Ram, a four-door, jacked-up
15 truck, and we would head to a predominantly African American
16 neighborhood in Tyler, and he would start to play specific
17 songs that related to the olden days where blacks were
18 segregated and even before that where they were held in
19 slavery.

20 Q. And, in your opinion, why was he doing that in those
21 communities?

22 A. I think his hopes were to incite rage in an African
23 American individual or a Muslim individual of any kind,
24 enough to the point where they would want to react, and he
25 would be able to react with deadly force.

1 Q. Let's talk about the December 16th -- or, I am sorry,
2 December 2016 incident in Smith County on McDonald Road.
3 Were you involved in that incident?

4 A. Yes, sir, I was.

5 Q. In fact, were you one of the co-defendants who was
6 indicted for aggravated assault with a deadly weapon, out of
7 that incident?

8 A. Yes, sir, I was.

9 Q. And did you enter a guilty plea to the charge of
10 aggravated assault with a deadly weapon, from that
11 Indictment?

12 A. Yes, sir, I did.

13 Q. Were you placed on deferred probation as a result of
14 that guilty plea?

15 A. Yes, sir, I was.

16 Q. And are you currently on deferred probation?

17 A. I currently am, yes, sir.

18 Q. Now, with reference to that offense, did it involve an
19 incident where you pointed a gun at another individual during
20 a verbal altercation?

21 A. Yes, sir.

22 Q. And that is the conduct that you pled guilty to?

23 A. Yes, sir.

24 Q. Who provided you with that firearm?

25 A. Heon Jong Yoo, or otherwise known to us as Hank.

1 Q. And how did you arrive at the location where you pointed
2 the gun at the victim?

3 A. Hank said that we should take his truck, and that he
4 would drive and provide transportation.

5 Q. Did any other individuals accompany you and Mr. Yoo to
6 that location?

7 A. Yes, sir.

8 Q. Who were they?

9 A. Carlos and Jesse.

10 Q. Carlos would be Carlos Jose Hernandez; is that
11 correct?

12 A. Yes, sir.

13 Q. And, unfortunately, since that incident he has passed
14 away; is that correct?

15 A. Yes, sir.

16 Q. And Jesse, does that refer to Jesse Roger Long?

17 A. Yes, sir.

18 Q. When Carlos and Jesse accompanied you and Mr. Yoo to the
19 location where the aggravated assault occurred, did Mr. Yoo
20 supply any other or provide any other individuals with
21 firearms or accessories?

22 A. Yes, sir.

23 Q. Who and with what?

24 A. He provided Jesse Long with an AR-15 semi-automatic
25 rifle with a fully-loaded magazine. He also provided him

1 with a machete, and then he also provided him with an armored
2 vest.

3 Q. And during the course of that incident, what was
4 Mr. Yoo's role in that altercation?

5 A. The goal was to get my vehicle back. I strictly wanted
6 to go over there and verbalize my concern and, hopefully,
7 maybe, you know, threaten them with the police getting
8 involved, and that, hopefully, they would turn over my
9 vehicle at that point, and then there would be no other
10 altercation, and we would leave.

11 Hank wanted to take it further, which I was very
12 uncomfortable with. But at the same time I feared him, so I
13 felt like I had no choice.

14 Q. And when you refer, for clarification sake, to getting
15 your vehicle back, you suspected the individuals at the
16 residence had stolen your vehicle; is that correct?

17 A. Yes, sir.

18 Q. And you wished to go and confront them about that
19 suspected theft?

20 A. I did, in a professional manner.

21 Q. And whose idea was it to carry firearms to that verbal
22 altercation?

23 A. Hank, or Heon Jong Yoo.

24 Q. So the fact that he came up with the idea to take
25 firearms to the location, the fact that he supplied those

1 firearms to the individuals going to that location, the fact
2 that he supplied you with means of transportation to that
3 location, is it fair to say that he aided, assisted, or
4 perhaps encouraged the commission of that offense?

5 A. Absolutely.

6 Q. Let's talk now a little bit about your personal
7 opinions. You've made some expressions here that have been
8 very clear to the Court, but I want to make sure that we
9 clarify those for the purposes of this hearing.

10 Are you afraid of Hank Yoo?

11 A. Absolutely.

12 Q. Having been his roommate, having been his friend before,
13 do you fear that he might hurt you or a member of your
14 family?

15 A. Absolutely. May I make a statement; is that okay?

16 Q. Yes, sir.

17 A. During my time having a friendship with Hank, I invited
18 him to Thanksgiving feast at my family's house in Brownsboro,
19 Texas. Us being raised Christian we were told to help when
20 it was necessary, so I decided that he should come and spend
21 Thanksgiving with me versus alone.

22 He showed up at the house and immediately began
23 scaring my family members, people who have not done a wrong
24 in their life, people who love the Lord and love their
25 community and have worked hard their entire lives to have

1 what they have.

2 The fear that was struck into my grandmother, who
3 is now 69, if I am not mistaken, was immense; and it was felt
4 by everybody in the room, including my other family members.

5 He rattled off about Hitler and how Hitler should
6 be worshiped instead of killed, that he should have been
7 idolized, and that Jesus is not real and that he is fake and
8 that he will burn, even if he was real.

9 He said that Jews should have been slaughtered.
10 That is the way it should have been. That is the way it
11 happened the way it did.

12 He held his hand up on many occasions -- I'm not
13 going to do it because I find it very disrespectful -- but
14 the way Hitler would hold his hand up, he did it probably 15
15 or 20 times during his time at my grandmother's residence.

16 My grandmother pulled me to the corner and said,
17 Matt, I love you, but you need to take him home. And, as
18 soon as you do that, you are more than welcome to come back
19 and finish Thanksgiving with the family. And I did. I took
20 him home. And I was too embarrassed to go back because of
21 the person that I had brought into my grandmother's
22 household. And that is when it began to become very serious
23 to me the cost of hanging out with Hank.

24 Q. Did your grandmother take any security measures
25 subsequent to that date out of fear for Hank Yoo?

1 A. She did. She purchased about a \$1500 ADT security
2 system complete with cameras and motion sensors.

3 Q. I want to talk to you a little bit about the period of
4 time that you were out on bond. You were charged with
5 aggravated assault with a deadly weapon during the same
6 period of time that Mr. Yoo was charged with the same crime;
7 is that correct?

8 A. Yes, sir.

9 Q. And so it is fair to say that both of you were out on
10 bond at the same time?

11 A. Yes, sir.

12 Q. During that period of time, did you travel to Mr. Yoo's
13 apartment in an attempt to obtain some of your belongings
14 that were still inside.

15 A. Yes, sir. Me and my friend Austin Moseley, he
16 accompanied me there to Hank's residence.

17 Q. And when you arrived at the residence in an effort to
18 obtain the property that you had left behind in that
19 residence, what did Hank Yoo do when you arrived?

20 A. I was met with the barrel, the front end of a 12-gauge
21 shotgun. I did not go there with force or to fight. I went
22 there to procure some of my belongings so I could forever be
23 done with this gentleman, and I was met with deadly force. I
24 was scared for my life.

25 Q. So, if someone were to testify that while Mr. Yoo was

1 out on bond and prohibited from possessing firearms, that
2 would not be an accurate statement, would it?

3 A. No.

4 Q. Because you have witnessed him possessing firearms while
5 out on bond; is that correct?

6 A. Absolutely.

7 Q. Now, it is also fair to say that during the course of
8 your friendship, however ill-conceived, and your relationship
9 as a roommate, that you engaged in some conduct that you are
10 not proud of; is that correct?

11 A. Absolutely.

12 Q. That you felt influenced by Mr. Yoo, and for that period
13 of time at least, you shared some of the same ideologies as
14 him?

15 A. I did, yes, sir.

16 Q. Do you regret that period of time in your life?

17 A. Very, very much so.

18 Q. Are you embarrassed by it?

19 A. Absolutely.

20 Q. And as you complete your term of probation out of Smith
21 County, Texas, are you making every effort to reform yourself
22 from that period in your life?

23 A. Absolutely. I have had a year successful on probation.

24 I have been taken off of intensive supervision and put on
25 monthly reporting. I am no longer tempted by alcohol or drug

1 use. I am engaged to a beautiful woman, sitting in the back
2 of the room back there. I have got a dog. I purchased my
3 first vehicle and am responsibly paying the notes on it. I
4 attend church every Sunday, and I work a full-time job.

5 MR. MACHICEK: Thank you, Your Honor. We will pass
6 the witness.

7 THE COURT: Thank you.

8 Cross-examination.

9 CROSS-EXAMINATION

10 BY MR. YOO:

11 Q. So, Matt -- sorry, Mr. Lack. You mentioned intent of
12 deadly force against you in early 2017, correct?

13 A. Correct.

14 Q. Which month was it?

15 A. Well, I got out on bond nine days after I was
16 incarcerated. And if I was incarcerated in December, I would
17 have had to have gotten out sometime late December or early
18 January, so it would have had to have been January or
19 February.

20 Q. Early January. When did you sign -- when did we sign
21 the bond condition?

22 A. I do not recall.

23 Q. February 24th; do you recall now?

24 A. I did just say December, January, or February.

25 Q. No. You said January when this incident occurred. I

1 actually filed a police -- police report against you, you
2 tried to break into my residence, actually?

3 A. I did not try to break into your residence. I was
4 simply there to procure something that belonged to me.

5 Q. Well -- well, I am not trying to prove one way or the
6 other. The important thing is firearm. January of 2017,
7 this is pre-Indictment, we were not on bond condition,
8 correct? So we were not on bond condition that would
9 prohibit us from owning a firearm?

10 A. I was on bond conditions immediately after I was
11 released. I was in Judge Skeen's Court, and I was
12 immediately put on bond conditions.

13 Q. My records suggest that it is actually different.

14 MR. MACHICEK: Your Honor, I'm going to object to
15 the Counsel testifying from the podium.

16 THE COURT: I am going to sustain the objection.

17 Mr. Yoo, any statement that you want to make --

18 MR. YOO: Yes, sir.

19 THE COURT: -- I will receive that at the
20 appropriate time.

21 MR. YOO: Okay.

22 THE COURT: But in terms of this witness,
23 cross-examination is limited to questions.

24 BY MR. YOO:

25 Q. Do you know when my bond conditions were signed?

1 A. I do not. I was told not to contact you. It was a
2 violation of my bond conditions.

3 Q. Oh, okay. So -- so in terms of -- now, again, so let's
4 talk about bond conditions. Did your bond condition include
5 refraining from possession of firearm?

6 A. Yes.

7 Q. Okay. So do you have personal knowledge that I was
8 possessing a firearm after I signed the bond condition?

9 A. I do.

10 Q. After I signed the bond condition?

11 A. I do.

12 Q. Which date?

13 A. After you were put on bond conditions is when I was
14 traveling to your residence to claim some of the belongings
15 that were mine, and I was met with a 12-gauge shotgun.

16 Q. The early January that was -- are you saying -- are you
17 claiming that the early January was when I was put under my
18 bond condition?

19 A. I do not recall or even have any knowledge that you
20 were -- when you were put on bond conditions because I was
21 told not to have any contact with you.

22 Q. Sir, you said -- you just said you have personal
23 knowledge of me possessing a firearm even on bond condition
24 after -- so because you knew that I possessed a firearm
25 during early January when you traveled to my residence to get

1 your belongings; is that correct?

2 A. Yes.

3 Q. Okay. So -- so which belongings were you trying to
4 retrieve?

5 A. I had a set of books that were there, due to my home
6 schooling program that I had not finished, due to my mother
7 passing, on schedule. So, when I moved in with Hank, I
8 brought them with me in an attempt to finish and got
9 distracted and was never able to finish.

10 Q. Do you recall which books?

11 A. I believe one of them was an American literature and
12 then an accounting book.

13 Q. Did you file a police report against me?

14 A. I did not.

15 Q. Why?

16 A. I didn't want to mess with it anymore.

17 Q. Really? So you --

18 THE COURT: Mr. Yoo, how is this relevant?

19 MR. YOO: Because he is -- he is trying to prove
20 that I held -- how is it not relevant, Your Honor?

21 THE COURT: Explain to me how it is.

22 MR. YOO: Because if there is no police report, it
23 is just hearsay.

24 THE COURT: I don't see how that is really
25 important. I mean, I can take the testimony. We can take

1 the testimony, you know, without regard to the traditional
2 Rules of Evidence. So maybe you don't understand that. But
3 he can testify to hearsay.

4 MR. YOO: I understand, but are you trying to
5 object on behalf of the prosecution?

6 THE COURT: No, sir, I am not. I am trying to
7 conduct the hearing as efficiently and productively as
8 possible, and I just don't see how this is relevant.

9 MR. YOO: I am questioning the credibility of this
10 witness, sir, because --

11 THE COURT: I will give you a little latitude if
12 that is what you are doing.

13 MR. YOO: Yes, sir. Because even his own FBI
14 report that I have here, he just contradicted his
15 statement.

16 THE COURT: All right. Well, let's use that
17 then.

18 MR. YOO: Yes, sir.

19 BY MR. YOO:

20 Q. Okay. So -- so you said that my kitchen was messy, and
21 I was ordering you to -- to clean it, correct?

22 A. Correct.

23 Q. You refused and I physically assaulted you?

24 A. Correct.

25 Q. In here it says I physically assaulted you for

1 disagreeing with your views. Which statement is correct?

2 A. They are both correct.

3 Q. They are both correct?

4 A. Yes.

5 Q. Did you or any of your family members file a single
6 police report against me?

7 A. No, they did not.

8 Q. Okay. Moving on.

9 So do you -- are you familiar with function of a
10 silencer?

11 A. A little bit, yes, correct.

12 Q. What is the function -- what is a function of a
13 silencer?

14 A. I would assume to suppress the sound a firearm would
15 make and to promote stealth and also to disfigure the round
16 that would come out of a -- the projectile that would come
17 out of a weapon, so that it could not be identified by a
18 third party.

19 Q. H'm. Okay. And then you said that you have a personal
20 knowledge of me trying to scratch out serial numbers?

21 A. I do.

22 Q. Do you -- do you have a personal knowledge whether I
23 scratched out any of my firearms' serial number?

24 A. I do not.

25 Q. So -- so -- okay. When -- or -- around which date did

1 your grandmother purchase security measures?

2 A. That I do not recall.

3 Q. Okay. So on -- on late September or early October of
4 2016, you -- you Long -- not Long. I'm sorry -- you,
5 Demetrio, and Chavez went to Dallas, correct?

6 A. I did go to Dallas, correct.

7 Q. Yes. Did your grandmother -- sorry.

8 How did you have the money to spend in Dallas?

9 A. I had money from my savings, and then my grandmother
10 supplemented a little bit for the trip.

11 Q. Did your grandmother install the security measure
12 because you stole \$5,000 out of her wardrobe --

13 MR. MACHICEK: I'm going to object to relevance.

14 THE COURT: What is the relevance here, Mr. Yoo?

15 MR. YOO: What is the relevance? Because he is
16 trying to say that his grandmother purchased security
17 measures because she was in fear for her life of me.
18 However, she filed zero police reports against me. And also
19 she didn't even file a criminal trespass order.

20 THE COURT: What does the question that is pending
21 got to do with that argument?

22 MR. YOO: Because he is trying to prove that I am a
23 threat to the --

24 THE COURT: Move on, Mr. Yoo.

25 BY MR. YOO:

1 Q. So, Smith County Lightfoot, what is their ideology?

2 A. I would assume the same as yours, based on what you told
3 me at the time that I resided with you.

4 Q. Would you please describe it?

5 A. That Jews should be slaughtered -- I've said this
6 earlier. Jews should be slaughtered, and they were
7 slaughtered because that is the way it needed to be and that
8 is why it happened, and that it needs to happen to Muslims
9 and Christians, as well, and that you don't care what it
10 takes to get it done, as long as you get it done.

11 Q. Which is what ideology?

12 A. Your party's ideology -- you said you have a party,
13 correct. I would only assume that those two would be
14 incorporated in some manner, or why would you have a party?

15 Q. Uh-huh. Okay. So are you aware of the fact that most
16 Smith County Lightfoot members are Christians?

17 A. I do not associate myself with Smith County Lightfoot
18 members, so I would not know that.

19 Q. Do you have personal knowledge that I -- knowledge that
20 I have -- have formally sworn into Smith County Lightfoot?

21 A. I have the personal knowledge that you told me while I
22 resided with you. Now, proof, I don't have.

23 Q. That I swore in?

24 A. Yes.

25 Q. H'm. And you have proof?

1 A. I was also told that you have rank in said organization
2 by yourself and other people on the Skype calls that you made
3 numerous nights talking about people needing to kill
4 themselves and belittling people and belittling several
5 different races and different types of people, all based on
6 their color, not because they did anything to you, because of
7 what your views are or your people's views or Smith County
8 Lightfoot's views.

9 Q. Solely based on color?

10 MR. YOO: Your Honor, how is this relevant?

11 THE COURT: Ask a question, Mr. Yoo. Please
12 proceed.

13 BY MR. YOO:

14 Q. Okay. Solely based on color. Do you know -- so you
15 mentioned Hitler; is that correct?

16 A. I did.

17 Q. Are you familiar with the definition of a national
18 socialism?

19 A. I don't incorporate myself with any of that, so, no, I
20 don't.

21 Q. Are you familiar with the difference between national
22 socialism and constitutional fascism?

23 A. I don't incorporate myself with any of those, so, no, I
24 don't.

25 Q. Well, which -- which -- what kind of races am I against?

1 A. From the time that I lived with you, any person that is
2 not white or Aryan -- as you say you are yourself -- black,
3 Jews, and anyone that doesn't live in the U.S., which is,
4 quite frankly, quite a few different races and different
5 cultures who have done nothing to bother you.

6 Q. I describe myself as 100 percent Aryan?

7 A. You did on multiple occasions, multiple occasions; more
8 than 100, at least, I would have to say.

9 Q. Are you aware of the race and the color of the second in
10 command of my political movement?

11 MR. MACHICEK: Your Honor, I'm going to object to
12 relevance yet again.

13 THE COURT: Sustained.

14 Move along, Mr. Yoo.

15 MR. YOO: Hold on. Hold on. So -- hold on.
16 Objection. Sorry. Counter objection, Your Honor. So --
17 so -- Mr. Machicek and then Mr. Lack are trying to prove that
18 I am a threat to certain color of people due to strong --
19 strong hatred based on nothing but their races. How is this
20 not relevant?

21 THE COURT: Well, what the race is of a person who
22 is in an organization that you are allegedly involved in
23 seems to me completely irrelevant to the decisions before the
24 Court today.

25 MR. YOO: Yes, sir.

1 THE COURT: Move along.

2 MR. YOO: Motion to strike his testimony.

3 THE COURT: Move along.

4 BY MR. YOO:

5 Q. Okay. So -- so let's talk about the aggravated assault
6 case.

7 A. Okay.

8 Q. Are you familiar with Texas Penal Code 5,
9 Section 22.02?

10 A. I am not.

11 Q. You are not?

12 A. No, I am not.

13 Q. To your knowledge, did anyone commit an aggravated
14 assault?

15 A. I believe I committed aggravated assault by going there
16 with a firearm. The intent to harm someone in the State of
17 Texas, as far as I'm concerned, and was told, is considered
18 assault. I took ownership for that.

19 Q. Did you actually intend to hurt someone?

20 A. Yes. I went there angry and just pissed because someone
21 had stolen my property. Was it the right thing? No. But I
22 did go there angry.

23 Q. Okay. Which jacket were you wearing at that time?

24 A. One of yours.

25 Q. One of mine. Can you describe it?

1 A. I do not remember what it looked like. I believe it was
2 a Carhartt jacket, if I am not mistaken.

3 Q. I do believe that it was a U.S. Army hoodie, correct?

4 MR. MACHICEK: Your Honor, I'm going to object to
5 him testifying from the podium.

6 MR. YOO: Well -- well -- well, no, I mean --

7 THE COURT: Mr. Yoo, questions only, sir. You can
8 testify later on if you want.

9 MR. YOO: I was asking a question, Your Honor.

10 THE COURT: Well, I am going to sustain the
11 objection to your last question. You can ask another
12 question.

13 MR. YOO: Okay.

14 BY MR. YOO:

15 Q. Give me one moment, sir, hold on.

16 (Pause in proceedings.)

17 Q. So on the police -- on the actual police report itself,
18 it was said that -- it was said that --

19 THE COURT: Let me let him get his question out
20 first. Go ahead.

21 BY MR. YOO:

22 Q. On the actual police report, you said that you
23 mistakenly put firearm, and then left it there in the jacket,
24 correct?

25 A. Correct.

1 Q. And now you are saying that -- now you are saying that I
2 transferred you the firearm, correct?

3 A. Now I am being truthful and not covering for anybody.
4 And as hard as it is to be honest because I am scared of what
5 the punishment will be -- I know that being honest is the
6 best policy. So, yes, you did provide me that firearm, as
7 well as Jesse.

8 Q. What kind of deal were you offered by Mr. Machicek?

9 A. That's none of your business.

10 Q. It's none of my -- my -- my business. Did Mr. Machicek
11 ever tell you that if you testified against me or did
12 Mr. Coan ever tell you that if you testified against me, they
13 are going to -- because you just admitted that your
14 sentence -- your probationary conditions had been reduced,
15 correct?

16 A. What I am saying is that I went there with the intent to
17 hurt somebody. The firearm was not accidentally placed in a
18 jacket. It's kind of hard to accidentally place a firearm in
19 a jacket that you put on. You can feel it.

20 Second, you provided me that firearm in hopes that
21 we would incite some violence and in hopes that you would be
22 able to commit an act of violence and defend yourself in a
23 court of law because you went there, and they instigated,
24 when the truth is we went there to instigate. I went there
25 because I was angry.

1 You provided me with a firearm, and I acted very
2 unprofessionally, and I made my bed and now I am lying in it.
3 So, no, I am not lying.

4 And I've never met Mr. Machicek or the other -- I
5 have met Mr. Machicek, but I haven't met the other gentleman
6 before in my entire life except for this day. So how is it
7 possible for him to offer me anything? I didn't see
8 Mr. Machicek until five minutes before this whole thing
9 started. He didn't have time to offer me anything.

10 Q. Because you had regular meetings with Mr. Davidson; is
11 that correct?

12 A. I have had two meetings with Don Davidson.

13 MR. MACHICEK: And, Your Honor, I'm going to
14 object. This breaches attorney/client privilege.
15 Mr. Davidson is this witness's attorney.

16 THE COURT: All right. Let me -- Mr. Yoo, hold on
17 just a moment.

18 I'm certainly not your lawyer, and I'm not trying
19 to give you legal advice. But, in general, discussions
20 between a client and an attorney are protected by the
21 attorney/client privilege. And if you testify to that, you
22 could potentially waive that privilege and create other
23 problems for yourself.

24 So, again, I am not giving you legal advice; but to
25 the extent the question calls for any privilege, I think you

1 should be careful about how you answer it.

2 THE WITNESS: Thank you, Your Honor, for the
3 advice.

4 MR. YOO: I wasn't forcing him, sir. He
5 volunteered all of those informations.

6 THE COURT: Ask your next question, Mr. Yoo.

7 BY MR. YOO:

8 Q. Okay. So did you -- did you on multiple -- multiple
9 occasions use, take possession of my firearm without my
10 consent?

11 MR. MACHICEK: Object to relevance.

12 THE COURT: What is the relevance, Mr. Yoo?

13 MR. YOO: What is the relevance, sir?

14 THE COURT: Yes.

15 MR. YOO: Oh, wait. Because he said that I gave
16 him the firearm, which is completely not true, and --

17 THE COURT: I will give you a little latitude.

18 MR. YOO: Yeah.

19 THE COURT: Restate the question.

20 MR. YOO: Oh, Your Honor, actually due to that --
21 due to that objection, I -- I find -- find this -- this
22 Defendant and this Counsel to be in violation of -- abuse
23 of -- of discretion, bias, and incompetence in the criminal
24 conspiracy. I would like for this testimony to be
25 stricken.

1 MR. MACHICEK: I am going to object to the
2 Defendant testifying from the podium.

3 THE COURT: I'm going to sustain the objection.

4 Mr. Yoo, I'll permit you to make argument at the
5 appropriate time. Right now we are in the cross-examination
6 of this witness's testimony. You may proceed.

7 MR. YOO: Yes, sir.

8 BY MR. YOO:

9 Q. So -- deadly weapon. Deadly force.

10 So pertaining to certain tasks, failure to resolve
11 it, resulted in violence, correct?

12 A. Can you --

13 Q. While you were my roommate, if I gave you an order
14 pertaining to certain tasks, while you have failed -- failed
15 to resolve it, resulted in violence, correct?

16 A. Physical and emotional, yes.

17 Q. Okay. So did you inform your family?

18 A. I did.

19 Q. Did they call the police?

20 A. It is not their responsibility to call the police. It
21 was mine. I didn't feel it necessary. I went along with it.
22 I took it, pretty much.

23 Q. Is it -- did you take it because you felt embarrassed,
24 or did you take it because of lack of evidentiary basis?

25 A. No, I took it because I needed a place to stay. And I

1 was so distraught about my mother passing, I didn't want to
2 be at home with the rest of my family.

3 A kid that gets bullied at school, he takes it for
4 a certain period of time. And that is what you were to me
5 while I was with you, was an absolute bully, physically and
6 emotionally.

7 Q. If you were -- if you were legitimately threatened -- if
8 you were legitimately threatened for your life, limb,
9 eyesight, and your -- your safety, why did you stay with me
10 for a month-and-a-half?

11 THE COURT: Hold on for objection.

12 MR. MACHICEK: Your Honor, I'm going to object to
13 this entire line of questioning as speculative, irrelevant,
14 and generally asked and answered.

15 THE COURT: I generally agree with that. I will
16 permit the witness to answer this question.

17 And then, Mr. Yoo, I think it's time to move on.

18 MR. YOO: Counter objection, Your Honor.

19 THE COURT: I have sustained the objection, and I
20 am going to permit the witness to answer this question. And
21 then I think after that it is time to move on.

22 MR. YOO: All right.

23 THE COURT: Do you recall the question?

24 THE WITNESS: I don't. Could you repeat, please?

25 BY MR. YOO:

1 Q. Why did you stay with someone that you felt -- if you
2 felt I was a danger to life, limb, eyesight, and the safety
3 of you and the people around you, why did you stay with me?

4 A. The fear of being homeless. Like I said, I wanted a
5 place to stay that wasn't with family because I felt
6 uncomfortable to be with family at the time because of my
7 mother's horrible passing. I took it. I took the abuse.

8 And I didn't want to live in my car. I wanted to be
9 some place that had utilities, such as a bathroom and
10 plumbing. And I took it. That was the consequence of me
11 staying with you was something wrong with my left shoulder.
12 I wake up two nights out of the week with a dislocated
13 shoulder in screaming pain because of the way you treated me
14 and the many, many, many times you put your hands on me.

15 I remember the time that we were on our way to
16 Beaumont, and I had to pull my SUV over for fear of wrecking
17 because of you putting your hands on me.

18 We had a Chandler police officer walk up and say:
19 Is everything okay? And I had to say: Yes, Officer, it is
20 okay. Just for fear of not having any more trouble with law
21 enforcement. You abused and bullied and have scarred me, and
22 I am so sick at my stomach to have to be in your presence
23 right now, but I know it is the right thing to do. And I
24 have come clean about the truth about the charge in December,
25 and I'm coming clean about the things that you have done that

1 are not right.

2 Q. Chandler Police. Can you provide me the date of that
3 police report?

4 A. I don't have to.

5 Q. You don't have to?

6 A. No, I don't.

7 Q. So that was -- you said that -- you said that was on the
8 way to Beaumont?

9 A. Correct.

10 Q. Is Chandler on the way to Beaumont?

11 A. We were on our way to my grandmother's house before we
12 head to Beaumont. You leave Tyler, you go through Chandler,
13 you enter Brownsboro.

14 THE COURT: Mr. Yoo?

15 MR. YOO: Sorry.

16 THE COURT: Let's move along.

17 BY MR. YOO:

18 Q. So Chandler, correct?

19 A. Correct.

20 MR. MACHICEK: Your Honor, I believe the Court just
21 instructed --

22 Q. Does your --

23 THE COURT: Mr. Yoo?

24 MR. YOO: Yes, sir.

25 THE COURT: Move along.

1 MR. YOO: Okay.

2 BY MR. YOO:

3 Q. So concluding this -- actually, do you have a hospital
4 report of that dislocated shoulder?

5 A. I didn't go to the hospital.

6 Q. You just said that you went to the hospital, correct?

7 A. No, I said I was brought to an ambulance where it was
8 popped back in. I may have not stated it was popped back in,
9 but during my lift onto the ambulance, my shoulder popped
10 back in due to me raising it up, and I said there was no
11 longer a reason for me to go. But that doesn't excuse what
12 you did.

13 Q. Do you have a report for -- for that ambulance?

14 A. I do not. Unfortunately, ETMC does not provide a report
15 unless you are carried on the gurney, into the ambulance, and
16 into the hospital is there a reason to file a report.

17 Q. So let me ask you for one last time. Do you have any
18 factual evidentiary basis to claim anything that you have
19 just said on the stand?

20 A. If I wasn't so scared of popping my shoulder out of
21 place right now, I would do it, but it hurts super bad.

22 Q. Was your shoulder popped out of place because of me or
23 because of those robbers who assaulted you?

24 A. Because of you.

25 Q. Because of me?

1 A. Because of you.

2 Q. Can you --

3 A. I went to --

4 Q. -- please provide me a factual evidentiary basis --

5 THE COURT: Mr. Yoo, you have violated my
6 instruction about five times now. Don't step over the
7 witness's answers. All right. We have to give him an
8 opportunity to get his answer out before you begin your next
9 question.

10 I will also ask the witness to let him get his
11 question out before you begin your answer.

12 THE WITNESS: I apologize.

13 THE COURT: Everybody just settle down a little
14 bit. I hope we are near the end.

15 MR. YOO: Certainly.

16 BY MR. YOO:

17 Q. Do you have factual evidentiary basis consisting of
18 police report, criminal affidavits, or any criminal trespass
19 warnings by your family or any of that, do you have
20 anything?

21 A. I do not.

22 Q. Do you have anything other than what would be construed
23 as hearsay?

24 A. Only what I have as hearsay.

25 MR. MACHICEK: And, Your Honor, I'm going to object

1 to a misstatement of the law. His testimony from the witness
2 stand is, in fact, substantive evidence.

3 THE COURT: Sustained.

4 Anything else, Mr. Yoo?

5 MR. YOO: No, sir. I have stated my points.

6 THE COURT: All right. You may be seated.

7 Any redirect, Mr. Machicek?

8 MR. MACHICEK: No further questions.

9 THE COURT: All right. You may stand down.

10 Any additional witnesses on behalf of the
11 Government?

12 MR. COAN: No, additional witnesses, Your Honor.

13 Two quick things before the Government rests. One
14 is, I simply ask the Court to take judicial notice of the
15 Superseding Indictment in this case.

16 THE COURT: Yes. I know there was a Superseding
17 Indictment filed on September 20th, Docket No. 84; is that
18 correct?

19 MR. COAN: Yes, Your Honor.

20 THE COURT: All right.

21 MR. COAN: The second thing is that the Government
22 proffered from the Pretrial Services Report at the April
23 30th, 2018, hearing. Rather than going back through that
24 again, I would just ask the Court to take that into
25 consideration in connection with your ruling.

1 THE COURT: Mr. Coan, I do not believe I have a
2 copy of that report. If you could provide me one, that would
3 be much appreciated. You don't have to file it -- I mean,
4 you don't have to give it to me today, but if you will get it
5 filed on the docket, that will be fine. I searched the
6 docket and could not -- could not locate it.

7 MR. COAN: Your Honor, I actually don't have a copy
8 of the Pretrial Services Report. That is pursuant to the
9 policies of the Probation Department. They maintain
10 possession of those bond reports.

11 THE COURT: Was it provided to Judge Love?

12 MR. COAN: It was. I don't know if he retained it.
13 But we had the report available at the time of the April
14 30th, 2018.

15 THE COURT: Perhaps if the officer in the courtroom
16 has a copy of it, I might just review it while we are here.

17 PROBATION OFFICER MANLEY: May I approach, Your
18 Honor?

19 THE COURT: Yes, please. Thank you.

20 Okay. Mr. Coan, anything else?

21 MR. COAN: The only other matter, just
22 housekeeping, may Mr. Lack be finally excused?

23 THE COURT: Yes, he may be excused.

24 MR. COAN: Thank you, Your Honor.

25 THE COURT: Thank you very much.

1 Mr. Yoo.

2 MR. YOO: Yes, sir. Do I have permission -- sorry.
3 Do I have permission to make my own arguments now?

4 THE COURT: Yes, you may. And if you seek to
5 introduce testimony, I think the best way to do that is from
6 the witness stand.

7 MR. YOO: Yes, sir. I would like to make
8 certain -- certain exhibits.

9 THE COURT: All right.

10 MR. YOO: Undue burden caused by the -- caused by
11 the detention on the Defendant actually.

12 MR. HAAS: Excuse me, Your Honor. Before Mr. Yoo
13 gets -- I understand the Court doesn't like phones in the
14 courtroom. If I could just step outside to do a quick text,
15 it will take about five seconds.

16 THE COURT: Be happy to permit you to do that.

17 MR. HAAS: Thank you.

18 (Pause in proceedings.)

19 MR. HAAS: Thank you, Your Honor. I appreciate
20 everybody's patience.

21 THE COURT: Thank you, Mr. Haas.

22 Okay. Mr. Yoo, you may proceed.

23 MR. YOO: Before I proceed, would you take a look
24 at my motion, emergency motion for pretrial release.

25 THE COURT: I will -- that has been filed on the

1 docket, and I will -- and I will review that prior to issuing
2 my decision in this matter.

3 MR. YOO: Yes, sir, hold on. I have a couple of
4 exhibits over here. These are two exhibits from my own
5 family members --

6 THE COURT: Hand it to Mr. Haas, and Mr. Haas can
7 hand it up.

8 All right.

9 MR. YOO: These are numerous requests forms that I
10 filled out to Gregg County Jail regarding my opportunity --
11 no, so sorry. My ability to adequately represent myself.

12 This is the -- this is the proof that -- that even
13 as a Pro Se Defendant, making copies of legal work causes
14 undue burden. This is the pending police report that says
15 once I am out on bail, I am to check my storage unit to tell
16 them what is missing that -- that I need to update.

17 This is the transaction records of what I -- you
18 know, of like phone calls that I purchased, how much money
19 that I have used -- used preparing my -- my defense.

20 THE COURT: Okay.

21 MR. YOO: And regarding subpoena, Your Honor, I
22 actually -- I actually -- I actually filed a financial
23 affidavit a long time ago.

24 THE COURT: Yes, I have been made aware of that,
25 Mr. Yoo. I noticed that there is some material that has not

1 been provided, so I was going to address that at the
2 conclusion of the hearing today. I am going to ask, perhaps,
3 for some additional information in that regard. We can
4 discuss that later.

5 MR. YOO: All right. So may I testify --

6 THE COURT: You may and I do -- I think I have to
7 instruct you -- of course, I am not your lawyer, I'm not
8 giving you legal advice, but I am permitting you to take the
9 stand --

10 MR. YOO: Yes, sir.

11 THE COURT: -- if you wish to testify. But, you
12 know, anything you say on the stand could, of course, be used
13 against you --

14 MR. YOO: Yes, sir.

15 THE COURT: -- in a subsequent proceeding, either
16 in this case or in another matter. So I know you are
17 representing yourself with standby assistance from Mr. Haas,
18 but I just want to make sure you have thought through the
19 potential ramifications of that by testifying here.

20 MR. YOO: Before I testify, I would like to address
21 one thing to the Court.

22 THE COURT: All right. Did you understand what I
23 just said, Mr. Yoo?

24 MR. YOO: Yes, sir.

25 Today when I arrived, I was put in the holding cell

1 fully cuffed, fully restrained. And then they said it is
2 a -- the Marshal said it is a procedural thing. I asked -- I
3 asked the Marshals to provide me the code for that procedure.
4 They have failed -- they -- they have failed to do so.

5 THE COURT: Okay.

6 MR. YOO: Supervisor Deputy Brian Leach, I have
7 asked for his badge number. He has failed to provide me --

8 THE COURT: What would you like me to do, Mr. Yoo?

9 MR. YOO: Huh?

10 THE COURT: What would you like me to do about it?

11 MR. YOO: This is -- this is another -- this is
12 another consideration.

13 THE COURT: I understand, but it is not really --

14 MR. YOO: I would like you to take --

15 THE COURT: I understand. And you are welcome to
16 file a motion about it, on the docket. That's not really
17 something that I can address right now. We are here to give
18 you an opportunity to present your argument and any testimony
19 you choose to, with respect to your appeal of the detention
20 motion.

21 MR. YOO: Yes, sir. May I?

22 THE COURT: Yes.

23 MR. HAAS: May I put something on the record very
24 quickly, Your Honor?

25 THE COURT: I'm sorry?

1 MR. HAAS: May I put something on the record very
2 quickly?

3 THE COURT: Yes.

4 MR. HAAS: I am in this murky ocean of Standby
5 Counsel and especially with the recent Supreme Court case of
6 McCoy that came out, and I certainly can't tell even a
7 retained client of mine what to do, let alone someone that I
8 am Standby Counsel.

9 However, I do want the record to be known that I
10 did visit with Mr. Yoo and, basically, gave him the general
11 landscape of the law, just like the Court did. So it is his
12 decision to testify. I had no input in that whatsoever.

13 MR. YOO: Yes, sir. He also did say that
14 Judge Mitchell specifically told him that his role was to
15 step in if either the Court revokes my right to
16 self-representation or if I forfeit my right to
17 self-representation. And he is to do nothing.

18 And I asked him for his cell phone number, and he
19 said he will provide his cell phone number. Reason being, I
20 called his office like 13 times, right?

21 THE COURT: Are you asking -- what are you asking
22 me, Mr. Yoo, are you asking Mr. --

23 MR. YOO: Mr. Haas.

24 THE COURT: Are you asking Mr. Haas?

25 MR. YOO: Yes.

1 THE COURT: Are you unsatisfied with Mr. Haas's
2 performance?

3 MR. YOO: As for now, yes, actually. But...

4 THE COURT: Well --

5 MR. YOO: I am not sure if I would like to withdraw
6 Counsel yet.

7 THE COURT: Well, I am going to give -- I mean, I
8 think Mr. Hawk was originally involved in this, and then you
9 had two retained Counsel and you dismissed them. And then
10 Mr. Van Cleef, I think, was also retained by you, and you
11 have dismissed him. Now we are on Mr. Haas.

12 MR. YOO: Yes, sir.

13 THE COURT: I certainly -- you know, that is your
14 right to do that.

15 MR. YOO: Yes, sir.

16 THE COURT: But I hope you understand we intend to
17 go to trial in this case in November. And so the fact that
18 you decide you are not happy with Mr. Haas's services as
19 Standby Counsel on the eve of trial will not be grounds for a
20 continuance. You do understand that, do you not?

21 MR. YOO: Yes, sir, I am not asking for any
22 continuance, sir.

23 THE COURT: Okay.

24 MR. YOO: Yes, sir.

25 THE COURT: Well, the Court, I think, if I

1 understand Judge Mitchell's order and certainly my view of it
2 is that the Court is assisted in some respects by having
3 Standby Counsel because in the event that I determine under
4 certain circumstances and under, you know, the right
5 conditions that you have forfeited your right to represent
6 yourself, we will proceed with the trial with Standby
7 Counsel.

8 So, in my view, Standby Counsel is a necessity.
9 And, you know, I certainly will review anything you want to
10 file on the docket, but I have seen nothing today during the
11 course of the afternoon that suggests to me Mr. Haas has not
12 provided you with good legal advice when you have asked for
13 it.

14 MR. YOO: Well -- well, he didn't answer any of my
15 phone calls, nor -- but, I mean, today he was adequate, I
16 will say.

17 THE COURT: We are really having a discussion that
18 is better suited for another day, Mr. Yoo.

19 MR. YOO: Yes, sir. So -- all right.

20 THE COURT: Hold on. Do you -- do you understand
21 that if you testify right now from the witness stand, not
22 from the podium, from the witness stand, do you understand
23 that if you testify, anything you say can be used against you
24 in the course of this proceeding or any other proceeding?

25 MR. YOO: Yes, sir. Who is going to ask questions?

1 THE COURT: Mr. Haas, do you intend to ask any
2 questions?

3 MR. HAAS: No, sir.

4 THE COURT: I think, perhaps, the way to proceed
5 Mr. Yoo, this is a somewhat unusual situation. I think we
6 probably all will agree with that.

7 MR. YOO: Certainly.

8 THE COURT: Narrative answers and narrative
9 testimony is generally not permitted; but given the situation
10 that we are in and Mr. Haas's desire not to ask those
11 type -- those questions, I will permit you to testify in the
12 form of a narrative.

13 So we will swear you in, and you can testify to
14 whatever you think is relevant and important. And then once
15 that is completed, you will have -- the Government will have
16 an opportunity to cross-examine you, and you will, you know,
17 need to respond to those answers -- those questions, and then
18 I will give you a chance to step down following that, and I
19 will be happy to hear any argument that you want to say.

20 MR. YOO: Yes, sir.

21 THE COURT: But in terms of testimony itself, I
22 think it is better handled in a narrative form from the
23 witness stand.

24 MR. YOO: I would like to proceed in the
25 narrative.

1 THE COURT: All right. Any questions about what I
2 am suggesting?

3 MR. YOO: No, sir.

4 THE COURT: Mr. Coan, any objection to that?

5 MR. COAN: No, Your Honor, within the bounds of
6 relevancy to the issues before the Court today.

7 THE COURT: Thank you.

8 If you would, please, raise your right hand.

9 (Oath administered to Mr. Yoo.)

10 MR. YOO: I do, ma'am, in the name of
11 President Washington and Andrew Jackson.

12 THE COURT: Please be seated.

13 All right. Mr. Yoo, you may proceed.

14 MR. YOO: Yes, sir.

15 HEON JONG YOO, DEFENDANT, SWORN,

16 DIRECT EXAMINATION

17 MR. YOO: So I would like to make -- I would like
18 to request the Court to take -- take judicial notices of a
19 couple of cases.

20 THE COURT: Well, again, Mr. Yoo, we have been over
21 this a couple of times. I will give you an opportunity to
22 present any argument, any legal argument that you want to
23 make. But right now what I am interested in is hearing your
24 testimony that I can consider for the purposes of your appeal
25 of the detention ruling.

1 MR. YOO: Yes, sir, so, the main question is
2 whether I am a flight risk and a danger to the community.
3 Correct, sir?

4 So after -- so after seven years of training in
5 mixed martial arts and the combatives on and off and after
6 nearly three years of firearm possession, if I was a threat
7 to myself or the others, why haven't I been charged with a
8 single count of terroristic threat, and why I haven't been --
9 ever been convicted?

10 And, yes, because I have never -- I do not have any
11 criminal convictions.

12 Also, aggravated assault is a guaranteed
13 deportation for a -- a permanent resident, from my
14 understanding, and that is what I have been told, which means
15 I still did not locally run, you know, locally flee while I
16 was under the pretrial bail of aggravated assault.

17 Also, I only have one bond violation that was --
18 that was not regarding firearms, that was not regarding me
19 being danger to myself or others. That was actually
20 traveling outside of Smith County for work purposes, which I
21 self-reported at the Smith County Pretrial Office.

22 And I was arrested by Marshals at the Smith County
23 Pretrial Office and brought to Smith County Jail again, and
24 then I bonded out again on -- a week later, and I haven't
25 violated any pretrial bond -- bond conditions other -- other

1 than I have passed every single urine analysis since I don't
2 drink nor -- nor doing any drugs.

3 And in terms of countering Matt Lack's testimony,
4 my second in command in my movement is actually a black
5 person. So -- and, to my knowledge, forming a political
6 party nor a militia is illegal, nor possessing a firearm is
7 illegal. So I do not believe that that should be -- that
8 should be construed as being a danger to the society.

9 And I have no intention of fleeing because I
10 actually -- once I bond out, I plan to file motion for leave
11 to appeal or motion to stay the case to appeal the unlawful
12 and the frivolousness entries and to appeal the -- appeal my
13 CHL status, and, basically, to take care of all malicious
14 entries and things against me in absolutely lawful manner.

15 I was not aware of this adjudicated mentally
16 defective or committed to a mental institution entry until
17 this case because I -- when I filed inquiry/appeal to NICS on
18 early January 2016, they did not state that I had been
19 entered in as adjudicated mentally defective or committed to
20 a mental institution.

21 And, to the best of my knowledge, this is the
22 reason why I have been denied, I have been denied from the
23 military. I have wanted to join the military since I was in
24 middle school. So once I am on bail, I plan to pursue
25 proper -- proper procedure to get those two records removed

1 on the -- on the basis of, you know, what the definition of a
2 formal commitment is.

3 And I do not intend to flee, sir, because South
4 Korea has an extradition agreement with the United States, I
5 believe, and my family being -- being -- my mother's side
6 grandfather was actually an attorney general, and he would
7 never disrespect the judicial system like by helping me flee.

8 And in that sworn -- sorry, not sworn, unsworn
9 declaration, it says that my family will financially support
10 me while I am on bail, so I will have a place to stay, and I
11 will have food to eat.

12 So I can be subject to ankle monitoring, I can be
13 subject to a surety bond to make sure I am not a flight risk
14 or danger to the community, sir.

15 And also I have never -- I swear under the penalty
16 of perjury I don't have any intention of harming anyone
17 physically unless it is in self-defense. And -- yeah.

18 Also -- also in terms of my bail condition and my
19 previous aggravated assault case, I have showed up at every
20 single court appearances. I do not intend to dodge any court
21 appearances nor trial because I really believe that I am
22 innocent.

23 And I -- yes, sir, I do not have any intention of
24 flight nor hurting someone else. And all of my firearms are
25 confiscated by the ATF. And -- and in terms of 60-plus

1 police reports against me, most of them were abuse of
2 discretion and bias by the -- the police. But even then, I
3 was never arrested, sir.

4 And, you know, preparing for legal defense in Gregg
5 County Jail caused me tremendous amount of effort and money,
6 causing me undue burden and irreparable harm, and then -- but
7 still I believe I am winning this case.

8 So imagine what I can do if I am on bail having
9 access to Internet and a law library. Since the Gregg County
10 Jail does not have a law -- law library, I could pay for the
11 phone call.

12 And, yeah, I mean, there are much more serious
13 cases out there, people who are actually a danger to the
14 society who are out on bail. I am not a danger to the
15 society. I do not have any criminal record whatsoever.

16 How -- that is impossible if I am actually a danger
17 to society, considering the fact that there are more than 60
18 police reports against me. I do not have any vendetta to go
19 after those people in an illegal and unlawful fashion such as
20 in a violent manner.

21 And then I intend to do everything lawfully and
22 honestly. That is why I solemnly swear -- or I solemnly
23 affirm that I will not flee nor cause harm -- cause physical
24 harm to anyone else while I am on bail. I am just going to
25 focus on this legal case, so I can get back to living my

1 life. I do believe that having a political view is not a
2 crime.

3 THE COURT: Okay. Mr. Yoo, is that all?

4 MR. YOO: Yes, sir.

5 THE COURT: Cross-examination.

6 CROSS-EXAMINATION

7 BY MR. COAN:

8 Q. Is it the second in command of your political party or
9 of your militia who you were talking about?

10 A. Romello Hodge.

11 Q. What?

12 A. Romello Hodge.

13 Q. And what is that person's name?

14 A. Hodge.

15 Q. First name?

16 A. Romello.

17 Q. I think you mentioned during your testimony that your
18 family is willing to provide you with financial support?

19 A. While on bail, yes, sir.

20 Q. Are they willing to provide you with financial support
21 right now?

22 A. They are providing me financial support by putting money
23 into my commissary, but those are inadequate for legal
24 defense regarding the case that I am facing right now.

25 Q. And the commissary is the money that you use to pay for

1 your phone bill and your copies; is that right?

2 A. Phone time, copies, and food -- commissary food because
3 the Gregg County Jail actually, like, severely lacks behind
4 in federal standards of detention. They don't have adequate
5 food provided. So it is an undue burden.

6 Q. I'm sorry, it's a what?

7 A. It is an undue burden.

8 Q. Have you -- have you ever acquired a firearm at a gun
9 show?

10 A. No, sir.

11 Q. Have you ever acquired a firearm from another
12 individual?

13 A. Yes, sir.

14 Q. All right. How many times have you done that?

15 A. Around three.

16 Q. Have you ever been diagnosed with a mental illness?

17 A. Would you clarify that? Have I ever been -- have I ever
18 consented to evaluation and a diagnosis, or have I ever been,
19 like, Court ordered to put under treatment for a -- for a
20 diagnosis, no, sir.

21 Q. No, that was not the question.

22 A. Could you repeat it?

23 Q. The question was, have you ever been diagnosed with a
24 mental illness?

25 A. So by -- purely by -- by medical staff.

1 Q. Is it, yes, you have been diagnosed with a mental
2 illness?

3 A. Purely by medical staff, yes.

4 Q. Have you ever been prescribed medication for your
5 diagnosed mental illness?

6 A. Purely by medical staff, yes, but that -- the admission
7 itself was based on lies and unlawful.

8 Q. So that is a "yes" you have been prescribed medication
9 for your mental illness?

10 A. Yes.

11 Q. Are you taking medication as prescribed, today?

12 A. No, sir, I am not required to.

13 Q. Have you ever taken the medication prescribed to you for
14 your diagnosed mental illness?

15 A. When I was a minor.

16 Q. Since April of 2013, have you taken any prescription
17 medication for a diagnosed mental illness?

18 A. No, sir.

19 Q. Were you involuntarily committed for inpatient treatment
20 in April of 2013 in the State of New Jersey?

21 A. Further define, please.

22 Q. Were you involuntarily committed in the State of New
23 Jersey for inpatient treatment?

24 A. No, sir, because according to Addington vs. Texas,
25 commitment cannot happen without -- a formal commitment

1 cannot happen without due process and a hearing, actually.

2 Q. When --

3 A. Have I ever received a temporary -- temporary
4 confinement order which was labeled as commitment,
5 prior to -- I mean, in preparation of a hearing, yes.

6 Q. Were you hospitalized in April of 2013 in the State of
7 New Jersey --

8 A. As I --

9 Q. I'm sorry. Let me finish.

10 A. Sorry.

11 Q. Because doctors determined that you were a danger to
12 others?

13 A. Based on lies and based on -- yes. They even
14 contradicted the RUPD police report.

15 Q. Is it a "yes" or "no," were you involuntarily
16 committed?

17 A. Was I hospitalized, yes. And while I'm on bail, I
18 intend to challenge that, sir, legally.

19 Q. Okay. Were you -- when you were hospitalized, were you
20 there voluntarily or involuntarily?

21 A. Well -- okay. So Rutgers police, okay, they came to me
22 and informed me --

23 Q. Hold on. Just whether you were there voluntarily or
24 involuntarily? You have already had the opportunity to
25 testify. I would just like you to answer the question.

1 A. I am trying to -- I am trying to -- I am trying to get
2 to the point here because the Rutgers police report says both
3 times I went there voluntarily. However, the hospital
4 reports say both times I was there involuntarily. So I am
5 trying to tell you what is the correct one.

6 In terms of Rutgers police, yes, I consented to be
7 transported there because they told me that I was not fully
8 informed; I did not give them fully, informed consent. But,
9 yes, in terms of that police report, referring to the police
10 report, I went there voluntarily.

11 Q. The question was, when you were hospitalized at the
12 Carrier Clinic in April of 2013, was it involuntary?

13 A. Are you trying to trap me into committing perjury?
14 Because, yes, Carrier Clinic reports say involuntarily, but I
15 am trying to get to the root of the problem here.

16 THE COURT: Just try to answer the questions,
17 Mr. Yoo.

18 BY MR. COAN:

19 Q. Were you hospitalized in the State of New Jersey in
20 September of 2015 at the Carrier Clinic?

21 A. Yes.

22 Q. And when you were -- when you were brought to the
23 hospital, did you have to be chemically and physically
24 restrained?

25 A. The medicine -- I was actually not --

1 Q. Just, I'm sorry just "yes" or "no"?

2 A. No. Did I have to be, no. Was I and have I been? Yes.
3 Because I was arguing for my constitutional rights against --
4 against the nurse.

5 Q. And during that visit, medical professionals and mental
6 health officials determined that you were a danger to others;
7 is that right?

8 A. Yes, they did say that based on perjured -- no, not
9 perjured. False information.

10 Q. Then because of that finding, you were then
11 involuntarily committed to inpatient treatment --

12 A. Temporarily -- temporarily committed.

13 Q. Just "yes" or "no," were you involuntarily committed --

14 A. Are you trying to -- are you trying to directly
15 violate --

16 THE COURT: Mr. Yoo, Mr. Yoo, you don't get to ask
17 the questions here. This is cross-examination. Mr. Coan has
18 a question pending, and he is allowed an answer. Okay?

19 MR. YOO: Yes, sir.

20 A. Pursuant to 27 -- 27 C -- CFR 478.11 the definition of
21 a -- committed to a mental -- mental institution and
22 Addington vs. Texas, 441 U.S. 1st 18, I was not committed.

23 Q. Okay. That is legal argument. I am asking you a
24 factual question. Were you involuntarily committed to a
25 mental health facility because you had been deemed to be a

1 danger to others?

2 A. That is a factual statement, sir. That is a definition
3 of commitment to a mental institution.

4 Q. "Yes" or "no"?

5 A. No, I was not committed because, according to this --
6 this -- the definition of commitment is a formal commitment
7 following a court hearing.

8 So I -- so, no, I was not committed -- by the ATF
9 definition, I was not committed. Stop trying to entrap me,
10 sir.

11 Q. Would you mind giving us that case cite again, just so
12 we can have it for the record.

13 A. Addington vs. Texas, 441 U.S. 418 (1979). Also
14 ATF 843310.4, NICS Improvement Act of -- NICS Improvement
15 Amendment Act of 2007.

16 Q. Are you familiar with the immigration consequences of
17 conviction on the charges that are currently pending against
18 you?

19 A. Yes. These are not aggravated felonies, so I cannot be
20 deported.

21 Q. Are you aware that a conviction for a violation of
22 Title 18, United States Code, Section 922(g) is an aggravated
23 felony?

24 A. How is that --

25 Q. Are you aware? Are you aware?

1 A. No. Is that an aggravated felony?

2 Q. Did you apply for a license to carry a handgun in the
3 State of Texas?

4 A. Yes, I did.

5 Q. And that was in, roughly, February 2016; is that
6 right?

7 A. Yes.

8 Q. Do you recall answering a question about whether you had
9 ever previously received psychiatric treatment?

10 A. Yes.

11 Q. And do you recall answering "no" to that question?

12 A. Yes, because I have never consented to any psychiatric
13 treatment.

14 Q. Your license to carry a handgun was issued in, roughly,
15 May of 2016; is that right?

16 A. Yes.

17 Q. And it was later revoked in September of 2016; is that
18 right?

19 A. Yes.

20 Q. You received a letter informing you that your license to
21 carry a handgun permit had been revoked; is that right?

22 A. Yes.

23 Q. And you were given the reasons why the revocation took
24 place; is that right?

25 A. They said I am incapable of -- of exercising sound

1 judgment?

2 Q. So, yes --

3 A. Yes.

4 Q. -- you were advised of the reasons? Yes?

5 A. Yes.

6 Q. You were also advised that you could request a hearing
7 to contest the revocation?

8 A. Yes.

9 Q. Did you request the hearing?

10 A. Yes.

11 Q. A hearing took place; is that right?

12 A. Against my due -- proper due process, yes.

13 Q. Okay. So "yes" a hearing took place?

14 A. Again, against my proper due process, yes.

15 Q. Your objection is noted. But did a hearing take place
16 on your revocation?

17 A. Do I have to repeat myself, sir? I said, yes.

18 Q. And at the conclusion of that hearing, a Court order was
19 entered affirming the revocation of your license to carry a
20 handgun in the State of Texas; is that right?

21 A. Again, not following the Texas Government Code regarding
22 Texas License to Carry, which is a Government Code,
23 Chapter 4 -- 411, yes. It was unlawfully revoked as a
24 result. And also due to ineffective counseling by
25 Jason Parrish says -- Parrish saying that, don't attend it --

1 you can get that license back after disposition of the
2 case.

3 Q. You didn't file a motion for reconsideration of that
4 court order, did you?

5 A. I haven't, no.

6 Q. You didn't file an appeal of that revocation order, did
7 you?

8 A. I haven't, but I intend to now.

9 Q. Did you ever present your revoked License to Carry a
10 Handgun permit when you attempted to acquire firearms from
11 licensed dealers?

12 A. Yeah.

13 Q. How many times did you do that?

14 A. Two.

15 Q. Each time did you know that the permit had been
16 revoked?

17 A. Hold on. Did you ask, in order to purchase or acquire?
18 Because one was purchased and one was exchanged.

19 Q. Acquire?

20 A. Acquire, yeah.

21 Q. So on two occasions you presented a revoked Texas
22 License to Carry a Handgun permit in connection with
23 acquiring firearms from licensed dealers; is that right?

24 A. Yes.

25 Q. And those -- those two instances occurred within the

1 Eastern District of Texas; is that right?

2 A. Yes, but it was unlawfully revoked.

3 Q. Ultimately, the Texas Rangers -- well, let me back up.

4 When you were sent a copy of the order letting you
5 know that the revocation had been affirmed, you were told by
6 the Department of Public Safety that you were to surrender
7 your carry permit; is that right?

8 A. Yes.

9 Q. Okay. Did you surrender it at any point before November
10 of 2017?

11 A. No.

12 Q. In fact, the Texas Rangers had to seize it from you on
13 November 29th of 2017; is that right?

14 A. Yes.

15 Q. Have you ever falsely represented that you were a
16 citizen of the United States?

17 A. Yes -- yes.

18 Q. Have you ever falsely represented that you are a citizen
19 of the United States in connection with the acquisition of
20 firearms?

21 A. In terms of materiality to the unlawfulness to acquire
22 firearms, no. But have I ever stated that I was a U.S.
23 citizen on an ATF 4473 form, yes.

24 Q. Have you ever falsely represented your citizenship in
25 connection with the acquisition of firearms?

1 A. Yes.

2 Q. And did you do so when you were attempting to acquire
3 firearms from federally licensed dealers?

4 A. Yeah.

5 Q. And were those federally licensed dealers located within
6 the Eastern District of Texas?

7 A. Yes.

8 Q. In how many instances -- could you estimate for us in
9 how many instances you falsely represented your citizenship
10 to federally licensed firearms dealers in connection with the
11 acquisition of firearms?

12 A. Around four, sir, because one count on the Indictment,
13 those are actually the same counts. Yeah, those are actually
14 the same. I do believe that back then one -- one was
15 canceled. Like, one -- one document was supposed to be
16 trashed.

17 Q. Do you recall attempting to acquire firearms from a
18 licensed dealer called Fort Worth Gun, in January of 2016?

19 A. Yes.

20 Q. And Fort Worth Gun is located in Grandview, Texas; is
21 that right?

22 A. Yes.

23 Q. And is it your understanding that Fort Worth Gun is a
24 federally licensed firearms dealer?

25 A. Yes.

1 Q. All right. Do you recall what firearms you attempted to
2 acquire from Fort Worth Gun on January 19th of 2016?

3 A. I do believe a shotgun.

4 Q. Okay. And do you recall completing ATF Form 4473 in
5 connection with that attempted acquisition from Fort Worth
6 Gun?

7 A. Yes.

8 Q. Do you recall listing your country of citizenship as
9 South Korea?

10 A. Yes, I do believe so, to the best of my knowledge.

11 Q. Were you able to acquire the shotgun in connection with
12 that transaction with Fort Worth Gun?

13 A. No.

14 Q. Did you -- this is prior to you having the license to
15 carry a handgun permit; is that right?

16 A. Correct.

17 Q. And so were you told by the dealer why -- why the
18 transaction had been denied?

19 A. No. They -- they said NICS denied it, and here is
20 where -- they were given -- asked the reason why they deny it
21 and appeal it, which I did so.

22 Q. What is your understanding of what the role of NICS is
23 in -- with respect to firearms transactions?

24 A. To see if I am eligible to be purchasing a firearm or
25 not.

1 Q. So a firearms dealer -- someone tries to buy a firearm
2 from a licensed dealer, and then the dealer contacts the FBI,
3 the NICS division of FBI. Is that right?

4 A. Yes.

5 Q. And then NICS will respond back as to whether or not the
6 individual is eligible for the purchase based on their
7 criminal history or other prohibited factors?

8 A. Yes.

9 Q. Is that your understanding?

10 A. Yes.

11 Q. Okay. So were you advised by either the dealer or
12 someone there at Fort Worth Gun that you could appeal the
13 denial of this transaction?

14 A. Yes, which I tried to do so.

15 Q. Okay. So you did, you appealed it to the FBI, right?

16 A. Yeah.

17 Q. Okay. And what did you say, why did I get denied,
18 basically?

19 A. Basically, why did I get denied?

20 Q. Okay. And then do you remember receiving a letter from
21 the FBI in January of 2016 that responded to your appeal?

22 A. Yes, basically saying all of the reasons why I can be
23 denied.

24 Q. Okay. Do you recall the letter stating that the reason
25 for the denial is under one of the following federal

1 prohibitions under Title 18, United States Code, Sections 921
2 and 922?

3 A. I am aware of it, yes.

4 Q. Okay. And what was the result of the appeal?

5 A. They did not give me any reason why I was denied. Had I
6 known the reason, back then I actually had a pending Army
7 contract, I would have immediately challenged it.
8 Immediately.

9 Q. All right. But the appeal -- was the appeal denied, or
10 was it granted?

11 A. I appealed, and they said: We reaffirm the denial.

12 Q. The denial of the attempted --

13 A. Yes.

14 Q. -- acquisition of the firearm?

15 A. Yes, but they never gave me a reason for it, no.

16 Q. Other than the letter that they sent you in January of
17 2016 that stated the reason for the denial?

18 A. No. They -- they did not -- not provide me a specific
19 thing that -- what they labeled me as. And I also -- I
20 believe I -- to the best of my knowledge, I am not sure, I
21 believe I told them of the mental health assessment report by
22 Andrew Daren, which proves that I am completely sane and
23 completely free of any mental defect because it might be --
24 it might be something to do with the Rutgers and Carrier.

25 And on top of that, later on I actually had my

1 family attorney -- I actually have a family attorney right
2 now in process of removing those unlawful, involuntary
3 confinement records, actually.

4 Q. But those records were in place on April 6th of 2018; is
5 that right?

6 A. April 6th of 2018? No. Those -- no -- what? Those
7 involuntary confinement records -- I was not aware of the
8 involuntary, so on this --

9 Q. Just, to your knowledge, were those orders in place on
10 or prior to April 6th of 2018?

11 A. Prior to, yes, but -- but I was trying to attack the
12 hospital records, not -- I was not aware of any Court order
13 or, like, anything. Also, because since I have never been to
14 a hearing and I was discharged prior to hearing, well prior
15 to hearing.

16 Q. Are you currently enrolled as a student at the
17 University of Texas in Tyler?

18 A. No, I am currently enrolled as a student in the American
19 Public University System.

20 Q. Were you -- were you expelled from UT Tyler?

21 A. Yes, they said I did not --

22 Q. Just "yes" or "no," were you expelled from UT Tyler?

23 A. I am trying to explain --

24 Q. I just want you to answer --

25 A. Anything can be used against me, so I am trying to

1 explain.

2 Q. Well, that's --

3 A. Because --

4 Q. Hold up, Mr. Yoo. Hold on.

5 THE COURT: Just a moment. Just a second. Let's
6 not talk over each other.

7 Mr. Yoo, let's have -- I am going to ask Mr. Coan
8 to ask the question again. To the extent you can answer with
9 "yes" or "no," I suggest you do that.

10 MR. YOO: Yes.

11 THE COURT: If you can't, tell us that you can't
12 answer it that way. All right?

13 MR. YOO: Yes, sir.

14 BY MR. COAN:

15 Q. Yes --

16 A. The --

17 THE COURT: Hold on. Mr. Coan is going to ask the
18 question again.

19 BY MR. COAN:

20 Q. Were you expelled from UT Tyler?

21 A. Yes.

22 MR. COAN: I'll pass the witness.

23 THE COURT: All right. Mr. Yoo, do you have any
24 additional testimony that you would like to provide as, I
25 guess, redirect testimony in the form of a narrative, based

1 on any of the questions Mr. Coan asked in cross-examination?

2 MR. YOO: Yes, sir.

3 REDIRECT EXAMINATION

4 MR. YOO: So I was not -- I was completely unaware
5 of this NICS entry until -- until this case.

6 Now, since I am aware of it, while I am on bail, I
7 plan to remove it, appeal it and remove it.

8 Also, in terms of UT Tyler, you know, why I was
9 expelled, they said that they expelled me -- on the record
10 they said they expelled me because I did not disclose the
11 information that I have attended University of Connecticut.

12 I did not feel the need to. I have not obtained
13 any -- any credits from University of Connecticut. Every
14 single college that I have obtained taken credits from, I did
15 disclose. And I did disclose current GPA also.

16 And I do believe that Mr. Coan's questions were
17 highly misleading and malicious and frivolous because he
18 seems -- he seems to be completely legally incompetent to
19 comprehend the difference between a temporary commitment and
20 a formal commitment.

21 THE COURT: Mr. Yoo, that is really not -- that is
22 not necessary. You can make whatever statement you want to
23 make, but let's don't make this personal.

24 MR. YOO: Yes, sir.

25 Well, I am not making it personal, sir. I am just

1 strictly speaking on the legal basis. On the NICS
2 Improvement Amendment Act of 2007, discharge is counted as a
3 relief because, you know, since I have not been committed
4 pursuant to a hearing -- you know, I am happy to go through a
5 legal authority to be relieved of, you know, quote, unquote,
6 commitment.

7 And I do believe that -- that -- that term there is
8 unlawfully placed because I believe they have -- a temporary
9 confinement is not formal commitment.

10 It says on 27 CFR 478.11, the definitions,
11 commitment is -- a formal commitment in person in the mental
12 institution for temporary observation should not be
13 considered as committed.

14 I mean -- I mean, if I -- if I was actually truly
15 homicidal and extremely dangerous to others, why was I
16 released within a week or two weeks? And then following that
17 I was allowed to -- I was allowed to board a plane without
18 supervision of sky marshals.

19 And, yeah, in terms of that, even -- the hospital
20 reports even contradict the police reports.

21 So I do believe that -- that all -- yeah, I have
22 legitimate grounds to get these records completely stricken.
23 And that is why I need bail, sir. It is nearly impossible to
24 file the -- file -- go through proper -- I would say proper
25 chain to get these records removed.

1 And then I don't intend on calling attorneys for
2 these -- I would like to represent myself on -- on these two.

3 Also, in terms of citizenship, I am a permanent
4 resident, sir. I mean, most of the times in the law,
5 permanent residents are categorized as citizens. So,
6 therefore, you know, since I -- since I have every right that
7 a citizen does except for suffrage and running for an office,
8 I believe, and certain other privileges, such as I do believe
9 that without a waiver I cannot attend United States Military
10 Academy if I am not a citizen -- I need a waiver -- I do
11 believe that it doesn't make any material difference, and it
12 is not in the information required to be kept pursuant to the
13 federal codes and -- yes. Wait.

14 Do I make my arguments now?

15 THE COURT: If you have finished with your
16 testimony, you may step down. And I'll be glad to hear any
17 arguments you have.

18 MR. YOO: Yes, sir.

19 (Testimony of Mr. Yoo concluded.)

20 MR. YOO: Your Honor, I would like to request the
21 Court to take judicial notice of United States vs. Salamak.
22 It happened in 2017, October.

23 I believe that he was a pedophile, and there
24 is a -- there is a -- an article saying that he actually
25 requested -- a single mother with 8-year-old daughter, that

1 he is willing to pay her to have sex with her 8-year-old
2 daughter. He was a New Jersey prison guard.

3 And then I do believe that a single mother turned
4 out to be an FBI agent. He was placed on 125,000 secured
5 bond and was placed on paid leave.

6 Pursuant to the Federal Rules of Evidence,
7 Rule 201, I would like the Court to take judicial notice of
8 United States vs. David Wayne Trotter, production of child
9 pornography, \$150,000 secured bond. This happened in North
10 Texas.

11 Another -- another judicial notice of 2018-09-05,
12 United States vs. Justin Lee -- not Justin Lee. Dusty Lee.
13 Federal hate crime, assault. He was put on ankle bracelet
14 and curfew.

15 Recent case, I believe still pending case, United
16 States vs. Corrujedo, Texarkana 2018. I believe this -- both
17 defendants lived out of state, and this was the -- this was
18 an unsecured bond, and then both defendants were released,
19 and this was a big drug case. These were -- these people
20 were middlemen, to the best of my knowledge.

21 Also, United States vs. Galusha, a child
22 pornography case, unsecured bond.

23 Actually -- people who are actually
24 danger -- people who are actually a -- people who are
25 actually a danger to others get released on bail every single

1 day. I do believe that there are -- there are definitely
2 conditions which will secure that I will not flee, and I will
3 not pose danger to the others.

4 THE COURT: What would those conditions be?

5 MR. YOO: I am -- I am willing to agree to all
6 reasonable conditions such as ankle monitoring, house arrest,
7 secure bond, curfew -- if not house arrest, curfew. I don't
8 even need to go to a grocery store. My family is willing to
9 support me. Yeah.

10 And I also would like to change my venue to
11 Houston. Once I change my -- my venue to -- sorry to South
12 Texas, I will establish a permanent residence there, so I
13 would -- and I would immediately report to the proper
14 authorities every single place that I would stay at.

15 So in terms of -- yeah, so house arrest; if not,
16 curfew would be adequate conditions.

17 Also I do not intend on owning any weapons
18 whatsoever, not just firearms but including, but not limited
19 to, bladed weapons or anything that might be construed as a
20 weapon or can be used as a weapon, such as a baseball bat.

21 And also the biggest thing about this bail is, in
22 order to make sure that my due process is observed by
23 allowing me access to adequate chains to file necessary
24 appeals.

25 I mean, upon release I would like to file motion

1 to, like, stay the case pending appeal. And, yes, I would --
2 until that appeal is through, I am willing to agree to all
3 reasonable bail conditions.

4 And in terms of this state warrant, I do believe
5 that I can also take care of that too. I do not -- I do not
6 intend to flee.

7 Also I do not have connections in East Texas, sir,
8 except for Bo Walker, as Special Agent Reed described.
9 Except for him, I do not personally know anyone that owns
10 property that would help me to become a fugitive from
11 justice. I do not intend that.

12 I also do not -- if I am not -- placed on house
13 arrest, I do not intend to leave a city where I am supposed
14 to stay at without -- without noticing the proper authority
15 first.

16 If I absolutely have to, such as, hey, I need to go
17 down to Austin for a court hearing, then that is basically --
18 I absolutely have to go there, right? Then I will inform the
19 proper authority well in advance. I always have high respect
20 for the law enforcement actually. So and --

21 THE COURT: Okay. Thank you. Anything in
22 addition?

23 MR. YOO: In addition, I do believe that my -- my
24 charges and my sentence do not carry significant sentence. I
25 was actually out on bail for a much more serious charge, and

1 I still did not flee.

2 I do believe that this is not an aggravated charge,
3 sir, because it is a simple possession charge. I did not
4 aggravatedly -- aggravatedly assault anyone.

5 THE COURT: Okay.

6 MR. YOO: Yes, sir. And I would like to make a
7 request for judicial notice of Bail Reform Act of 1984,
8 18 USC, Section 3142. I was actually -- you know, on the
9 Section (d) I believe they classify citizens along with
10 permanent residents in terms of temporary detention.

11 Also, I was actually entitled to bail since initial
12 hearing, with proper conditions. I do believe that my
13 emergency pretrial release motion was submitted on 19.
14 Mr. Coan filed the Superseding Indictment to the Grand Jury
15 on 19, and it was -- it was -- I was indicted on the 20th.

16 I do believe that was a retaliatory action by
17 Mr. Coan to deny me guaranteed pretrial release.

18 THE COURT: Okay. Thank you. Anything else?

19 MR. YOO: No, sir.

20 THE COURT: Okay. Let me make a couple of notes
21 for the record.

22 Mr. Coan, I will give you an opportunity --

23 MR. YOO: Oh, wait. One more.

24 Tina Simmons and David A. Beddingfield, my bail
25 bonds agent for the ag assault case, they would be more than

1 willing to vouch for me that I am not a flight risk nor a
2 danger to the --

3 THE COURT: Okay. That was actually one of the
4 things I wanted to ask you about, Mr. Yoo. I think you had
5 attempted to get Ms. Simmons here, and perhaps she came on
6 the day this hearing was previously set.

7 MR. YOO: Yes, sir.

8 THE COURT: And I told you that I wouldn't permit
9 her to testify electronically, but that if you wanted to
10 submit an affidavit containing the substance of what her
11 testimony would have been, that I would be happy to receive
12 that, subject, of course, to any objection the Government may
13 have in that regard.

14 Let me ask you this, Mr. Yoo: How long do you
15 think it would take you to get an affidavit from Ms. Simmons
16 for the purposes of evaluation? And let me explain, I am
17 not -- you are being held subject to an order of
18 Judge Love's. We have had this hearing today. I want to
19 consider the presentations that have been made by you and by
20 the Government.

21 And my intention is to put a ruling out, a written
22 ruling with my findings as soon as possible. But I certainly
23 want to give you an opportunity to submit any additional
24 affidavits you want.

25 MR. YOO: Within a week, sir.

1 THE COURT: All right. So that would be -- do you
2 think you could do it by Monday?

3 MR. YOO: If you grant me bail today, I can do it
4 by tomorrow.

5 THE COURT: Well, I am not going to do that today.
6 We are going to continue you under the previous order of
7 detention entered by Judge Love --

8 MR. YOO: Yes, sir.

9 THE COURT: -- after the previous hearing. And you
10 have filed an appeal of that detention hearing. That is the
11 purpose of today is to present argument and evidence in that
12 regard.

13 I am going to consider what has been presented over
14 the last several hours, and I'll be putting out a written
15 order. But the sooner you get that affidavit to me, the
16 sooner I can put my order out.

17 I am suggesting if you get it to me by Wednesday I
18 will have it -- or by Monday, I can have the order out
19 relatively quickly, the next day or so following that.

20 Do you think Monday is possible for submission of
21 Ms. Simmons's affidavit?

22 MR. YOO: Monday? I will try my best to get it by
23 Monday. But, I mean, if she can submit electronically, that
24 would be great actually. Actually then she can probably do
25 it by end of this week.

1 THE COURT: All right. Well, I think perhaps
2 Mr. Haas can assist in that regard. If the affidavit is
3 provided to him, he can get it filed electronically on the
4 docket.

5 Mr. Haas, is that agreeable?

6 MR. HAAS: Yes, sir. I would advise the Court and
7 your staff knows -- I am -- I don't know if the Court knows
8 or not, but I have a brief in a capital murder case actually
9 arising from the Telford Unit -- I am sure the Court is
10 probably aware of that situation -- it is due tomorrow. I
11 may have to get an extension until Friday if the Court will
12 give me one.

13 THE COURT: Oh, absolutely, yes.

14 MR. HAAS: So I just want to tell Mr. -- that I
15 will do what I can, but I am working around that brief.

16 THE COURT: That will be fine.

17 MR. YOO: Yes, sir.

18 THE COURT: You understand his concern?

19 MR. YOO: Yes, sir. So --

20 THE COURT: Hold on. So you get that to Mr. Haas,
21 and Mr. Haas will get it filed electronically, and we will
22 issue our order shortly after that.

23 Now, second thing, there were handed up before I
24 think you took the stand, Mr. Yoo, a number of documents.
25 And I want to identify those documents, and we are going to

1 file them as exhibits to this hearing.

2 MR. YOO: Sir, one question, sir.

3 THE COURT: Yes.

4 MR. YOO: You haven't made your decision yet?

5 THE COURT: No, I have not. I am going to rely on
6 the testimony that was presented at the previous detention
7 hearing from Judge Love, the transcript of which I have read.

8 I am going to rely on your appeal, which I have
9 reviewed, and I will review again. And I will rely on the
10 response that the Government has filed, as well as your
11 reply.

12 Also, obviously, I will consider the testimony that
13 was presented over the course of the afternoon today, as well
14 as the argument that you have presented and the argument I
15 expect Mr. Coan to present.

16 In terms of the exhibits, you handed up two unsworn
17 declarations, which are both dated September 22nd of this
18 year. One is of Soyoun Jeong, and the other is of Ku Yeong
19 Jeong.

20 Did I pronounce those correctly?

21 MR. YOO: Soyoun Jeong and Ku Yeong Jeong is my mom
22 and my grandfather.

23 THE COURT: Your mom and your grandfather.

24 And so your grandfather is Ku Yeong Jeong; is that
25 right?

1 MR. YOO: Yes, sir.

2 THE COURT: All right. We will mark that as
3 Exhibit No. 1 to your -- Defendant's Exhibit No. 1 to this
4 afternoon's hearing. And the affidavit or declaration of
5 your mother we will mark as Exhibit 2 to this afternoon's
6 hearing.

7 You also handed up an incident investigation report
8 from the Tyler Police Department dated August 28th, 2018.
9 Would that be correct?

10 MR. YOO: Yes, sir.

11 THE COURT: Okay. We will mark that as Exhibit 3
12 to this -- Defendant's Exhibit 3 to this afternoon's hearing.

13 You also handed up a detainee transaction
14 hearing -- transaction history, which is a multipage document
15 that, I gather, delineates the charges you have incurred
16 placing phone calls from the facility where you are being
17 held; is that correct?

18 MR. YOO: Yes, sir.

19 THE COURT: And we will mark that as Exhibit 4 to
20 the hearing, Defendant's Exhibit 4.

21 You also handed up a series of Gregg County Jail
22 requests and grievances related to your efforts to do legal
23 research in this matter. Is that a fair description of what
24 these documents are?

25 MR. YOO: Yes, sir.

1 THE COURT: We will mark those as Defendant's
2 Exhibit 5 to this afternoon's hearing.

3 And then, finally, an invoice -- or a receipt from
4 the Gregg County Sheriff's Office concerning some copies, I
5 gather, that were made a couple of days ago. And is that an
6 accurate description of what that document is, Mr. Yoo?

7 MR. YOO: Yes, sir.

8 THE COURT: All right. That will be marked as
9 Exhibit 6 to this afternoon's hearing.

10 Okay. Mr. Yoo?

11 MR. YOO: Yes, sir, I would like to make one more
12 exhibits regarding one of the motions that I actually
13 filed --

14 THE COURT: All right.

15 MR. YOO: -- since my mail is very, very slow.

16 THE COURT: Yes, sir.

17 MR. YOO: It is a transcript of the Grand Jury
18 proceedings, Grand Jury testimony.

19 THE COURT: Okay.

20 Mr. Coan, does this need to be filed under seal?

21 MR. COAN: Yes, Your Honor.

22 THE COURT: Any objection to its being filed as
23 Exhibit 7, Defendant's Exhibit 7 to this afternoon's hearing
24 as long as it is filed under seal?

25 MR. COAN: No objection, Your Honor. But just to

1 clarify, is it the Grand Jury testimony of Special Agent
2 James Reed?

3 THE COURT: It appears to be, yes.

4 MR. COAN: From this case?

5 THE COURT: It appears to be, yes.

6 MR. COAN: I just wanted to confirm.

7 THE COURT: Yes.

8 MR. YOO: A couple of more things from Your
9 Honor.

10 THE COURT: Hold on, Mr. Yoo. It looks like maybe
11 there is a -- some.

12 MR. YOO: Oh, yeah.

13 THE COURT: Slides that were presented with respect
14 to the testimony, or is this something other --

15 MR. YOO: That's part of it.

16 MR. COAN: It is an exhibit to the testimony, Your
17 Honor.

18 THE COURT: All right. Mr. Yoo, what else?

19 MR. YOO: Yes, Your Honor. I believe on -- I do
20 believe on a couple of orders that I have here, I would like
21 to make a formal objection on a couple of orders by
22 Judge Mitchell.

23 THE COURT: Okay. This is really not the time to
24 do that. We are here for a hearing on the appeal of your
25 detention ruling -- or the detention ruling that Judge Love

1 entered.

2 I don't know whether you filed anything objecting
3 to what Judge Mitchell may have ruled, but I'm certainly
4 happy to review anything, any formal objection you want to
5 make on the docket, but I don't really think our time is well
6 spent doing that here.

7 MR. YOO: Yes, sir.

8 THE COURT: All right. Anything other than that?

9 MR. YOO: Negative, sir.

10 THE COURT: Okay. I am going to give Mr. Coan an
11 opportunity to present any brief argument he wants to, and
12 then we will see where we are.

13 MR. YOO: Yes, sir.

14 THE COURT: You may be seated.

15 MR. COAN: Thank you, Your Honor.

16 And I will be brief. My apologies to the Court
17 staff for the duration of the hearing and the late hour this
18 evening.

19 Your Honor, I state at the outset that there was
20 not anything really new here.

21 On April 30th, 2018, we had the detention hearing
22 that took place after the Defendant had waived his right to a
23 detention hearing, was permitted to reopen it, and then we
24 litigated the issue in front of Judge Love, evidence was
25 presented, proffers were made with respect to a report from

1 Pretrial Services, and Judge Love entered an order finding
2 that -- well, entered a ruling that Mr. -- there was no
3 condition or combination of conditions that could reasonably
4 ensure Mr. Yoo's appearance at required proceedings or
5 reasonably assure the safety of the community.

6 Again, nothing has changed. What has happened
7 today is Mr. Yoo has made clear his desire to relitigate
8 state court orders that were entered in the State of New
9 Jersey involuntarily committing him to treatment based upon a
10 finding that he was a danger to others.

11 He would like to relitigate the revocation of his
12 Texas License to Carry a Handgun permit.

13 He would like to relitigate the Indictment returned
14 against him by a Grand Jury in Smith County, Texas.

15 He would like to relitigate the denial of firearms
16 transactions by NICS based upon determinations that he is a
17 prohibited person.

18 He would like to relitigate 60 to 70 offense
19 reports that have been prepared in connection with encounters
20 he has had with law enforcement from New Jersey to East Texas
21 over the course of five years.

22 The evidence before the Court demonstrates by a
23 preponderance of the evidence that Mr. Yoo presents a flight
24 risk. He is not a United States citizen. He faces multiple
25 felony charges. If he is convicted, there will be

1 immigration consequences for those convictions.

2 His alleged criminal conduct involves the use of
3 false statements and misrepresentations and deception to
4 evade federal requirements.

5 He has admitted that he has no ties whatsoever to
6 the Eastern District of Texas. He is a flight risk.

7 On the issue of danger, the record is extensive
8 with respect to the mental health history, the threatened
9 violence. His mental health issues over the course of his
10 life have necessitated treatment, hospitalization, and
11 involuntary commitments.

12 MR. YOO: Objection.

13 MR. COAN: What is perhaps more troubling than the
14 fact that he has this mental health history is the fact that
15 he denies the mental health history and has made
16 misrepresentations about the mental health history,
17 specifically with respect to attempt to acquire firearms.

18 He lied when he acquired his license to carry --
19 when he applied for a License to Carry Handgun permit in the
20 State of Texas, and he lied on every ATF Form 4473 --

21 MR. YOO: Objection, Your Honor.

22 MR. COAN: -- that he completed.

23 THE COURT: Mr. Yoo, this is --

24 Hold on, Mr. Coan.

25 This is legal argument. Mr. Coan is making his

1 argument. I gave you an opportunity to make your argument.
2 He is making his argument.

3 MR. COAN: Thank you, Your Honor.

4 Most specifically on the danger issue, Your Honor,
5 are three factors. It is this combination -- I pointed this
6 out to Judge Love back in April. It is this combination of
7 three factors. It is his mental health history, it is his
8 attempts to incite violence, and his desire to acquire and
9 possess firearms.

10 And those three things cannot be viewed in
11 isolation. It is the totality of the circumstances that
12 demonstrates by clear and convincing evidence that he is a
13 danger to the community.

14 You heard the testimony from Mr. Lack about, why is
15 it that Mr. Yoo wants to engage in this conduct where he
16 spews hate speech? It is to provoke some type of encounter
17 that will allow him to then respond with deadly force.

18 And if you noted, I appreciated Mr. Yoo's
19 assurances to the Court about how he wouldn't flee or how he
20 wasn't a danger to the community; but what I found
21 particularly telling, was his reservation on the issue of
22 harm to others.

23 I can assure -- I am paraphrasing -- I can assure
24 the Court that I will not harm others unless it is in
25 self-defense. And that is precisely the reason that he is a

1 danger.

2 Your Honor, the Government would ask that the Court
3 deny Mr. Yoo's motion appealing Judge Love's detention order.

4 Thank you very much.

5 THE COURT: Thank you, Mr. Coan.

6 Okay. A couple of things before we recess: I
7 appreciate everyone being here. I know it has been a long
8 day, but we are near the end.

9 I do want to ask you, Mr. Yoo, in terms of going
10 forward, Judge Mitchell, of course, has made a determination
11 that you have waived the right to your counsel -- or to
12 counsel, and that you have done that in a knowing and
13 voluntary way.

14 MR. YOO: Yes, sir.

15 THE COURT: You, of course, do have a
16 constitutional right to self-representation, and you have
17 demonstrated that you intend to exercise that right. And, as
18 I said, Judge Mitchell has found that that was a knowing and
19 voluntary waiver.

20 In light of my sort of recently becoming involved
21 in the case, I want to satisfy myself and make it clear on
22 the record that you are fully aware of the hazards and the
23 disadvantages to representing yourself in this matter.

24 Is it still your desire to represent yourself in
25 the trial of this case?

1 MR. YOO: Yes, sir, it is.

2 THE COURT: All right. I want to ask some
3 questions that Judge Mitchell may have asked, but I would
4 just like to follow up and have you answer them for me as
5 well.

6 Have you studied law prior to this case?

7 MR. YOO: Self-study, sir.

8 THE COURT: All right. And what did this consist
9 of?

10 MR. YOO: Just looking up stuff on the Internet,
11 looking into dictionary.

12 THE COURT: All right. Have you ever represented
13 yourself in any previous criminal action?

14 MR. YOO: No, sir. I do not have much criminal
15 action.

16 THE COURT: All right. Do you understand that you
17 are charged with eight counts, the first four -- the first
18 seven counts relate to falsely listing information on
19 firearms transaction records, and the eighth count relates to
20 violating 922(g)(4) and 924(a)(2) with respect to possessing
21 a firearm by a prohibited person?

22 MR. YOO: Yes, sir.

23 THE COURT: Do you understand that is what you have
24 been charged with?

25 MR. YOO: Yes, sir.

1 THE COURT: All right. And you understand that if
2 you are found guilty on Counts 1 through 7, you could face
3 imprisonment of not more than five years, a fine of not more
4 than \$250,000, and a term of supervised release of not more
5 than three years, in addition to a \$100 special assessment?

6 MR. YOO: Yes, sir.

7 THE COURT: With respect to Count 8, do you
8 understand that if you are found guilty of that, the Court
9 could sentence you to imprisonment for not more than ten
10 years, a fine of not more than \$250,000, and a term of
11 supervised release of not more than three years, as well as a
12 \$100 special assessment.

13 MR. YOO: Yes, sir.

14 THE COURT: All right. And do you understand that
15 if you are found guilty of more than one of these crimes, the
16 Court can order that the sentence be served consecutively,
17 that is, one right after the other?

18 MR. YOO: Yes.

19 THE COURT: All right. And you -- do you also
20 understand that there are Advisory Sentencing Guidelines that
21 may have an effect on your sentence if you, in fact, are
22 found guilty?

23 MR. YOO: Yes, sir.

24 THE COURT: And do you understand that if you
25 represent yourself in this matter, putting aside any

1 assistance that Mr. Haas can provide to you, you really are,
2 in terms of the trial of the case when we actually get to the
3 trial, you are on your own in terms of what actually happens
4 in the courtroom? Do you understand that?

5 MR. YOO: Yes, sir. Yes, sir.

6 THE COURT: Okay. I can't tell you or give you any
7 advice about how you should try your case when we get to the
8 trial. Do you understand that?

9 MR. YOO: Yes, sir.

10 THE COURT: You seem to have some degree of
11 familiarity, in my observations of you this afternoon, with
12 the Federal Rules of Evidence. Have you gained that
13 familiarity in the way you described for me earlier as having
14 studied the law by self-study?

15 MR. YOO: No, sir. After I have been indicted, I
16 actually purchased a few books -- I mean, I'm sorry, my
17 friends purchased these three books for me.

18 THE COURT: Have you read those Rules of Evidence?

19 MR. YOO: Yes.

20 THE COURT: Do you understand that the Rules of
21 Evidence will govern at the trial what may or may not be
22 introduced?

23 MR. YOO: Yes, sir.

24 THE COURT: And that, in representing yourself in
25 this matter going forward at the trial, I am going to expect

1 you to abide by those rules, which can be very technical?

2 MR. YOO: Yes, sir.

3 THE COURT: And they may not be rules that you have
4 much experience with.

5 MR. YOO: Yes, sir.

6 THE COURT: And you understand that I am not going
7 to relax the requirements of those rules to be complied with
8 just because you represent yourself?

9 MR. YOO: Yes, sir.

10 THE COURT: Same question with respect to the
11 Federal Rules of Criminal Procedure, what is the basis of
12 your knowledge or familiarity with the Rules of Criminal
13 Procedure?

14 MR. YOO: I have extensively studied it and
15 examined it after I have been indicted, sir.

16 THE COURT: All right. And you understand, just
17 like the Federal Rules of Evidence, that the Rules of
18 Criminal Procedure will govern in substance how the case is
19 tried when it is tried next month, and that you are going to
20 be bound by those rules, and that I am not going to relax
21 those rules for your benefit just because you are
22 representing yourself?

23 MR. YOO: Yes, sir.

24 THE COURT: All right. I have to tell you, having
25 reviewed some of the filings and having watched your

1 performance this afternoon, I will say that you have treated
2 me with nothing but respect, and I think you have done the
3 same for others here present in the courtroom as well. So
4 don't misunderstand what I am saying.

5 MR. YOO: Yes, sir. Only the person who was most
6 irrational was Matt Lack. He was actually emotionally
7 compromised.

8 THE COURT: Well, without commenting on that,
9 Mr. Yoo, all I can tell you is that you have treated me with
10 respect this afternoon, and I think you have treated the
11 attorneys for the Government with respect as well.

12 MR. YOO: Yes, sir.

13 THE COURT: But I do have to advise you, Mr. Yoo,
14 that a trained lawyer will defend you far better than you are
15 going to be able to defend yourself.

16 I think it is unwise of you to try to represent
17 yourself in this matter. You have some familiarity with the
18 law, but it is not very much. It seems to me you -- I
19 recognize you are doing your best, but you are quite
20 unfamiliar with court procedure. I don't think you are
21 familiar with the Rules of Evidence. And I strongly urge you
22 not to try to represent yourself.

23 However, that does seem to be your desire, and you
24 have a constitutional right to do that. So with those
25 comments and in light of the penalty that you could

1 potentially suffer if you are found guilty in this, and in
2 light of all of the difficulties of representing yourself
3 that I have described, is it still your desire to represent
4 yourself and give up your right to be represented by a
5 lawyer?

6 MR. YOO: Absolutely, sir.

7 THE COURT: All right. Very well.

8 Now, the final thing I need to ask about is the
9 financial affidavit that was submitted back in September.

10 There has been a fair amount of testimony this
11 afternoon, Mr. Yoo, from both you and others, that you are
12 fortunate to have support of your family in a number of
13 different respects.

14 So I am trying to understand exactly, you know,
15 what support you will have in terms of preparation for the
16 trial.

17 And I have to be honest, I am a little bit confused
18 about where we are procedurally. There was a finding, I
19 think, made by Judge Love at the initial appearance that you
20 would qualify for a CJA attorney.

21 Mr. Hawk was appointed at that point. Mr. Hawk was
22 subsequently dismissed by you. And you or your family
23 arranged for representation by private counsel first, two
24 counsel. And then you dismissed those and replaced them, I
25 believe with Mr. Van Cleef, who has since been dismissed by

1 you as well.

2 And so I am not sure, as we sit here today, whether
3 we are proceeding with -- if Mr. Haas is proceeding as a CJA
4 attorney or exactly what the situation is.

5 Is this an IFP situation we are in?

6 Do you know, Mr. Coan?

7 The reason I am asking is I do have concern about
8 trial preparation in terms of subpoenaing witnesses and how
9 that is going to work.

10 MR. COAN: Your Honor, I don't know the answer to
11 that. And I share the Court's confusion about precisely what
12 the Defendant's financial status is. And I don't know the
13 arrangement with Mr. Haas at this time.

14 I do know that the Federal Public Defender's Office
15 was initially appointed to serve as Standby Counsel. But I
16 don't know if that was based upon the initial finding that
17 Mr. Yoo qualified for appointed counsel or whether that was
18 just the Court's use of the appointment list for designation
19 of Standby Counsel.

20 THE COURT: Mr. Yoo, would you like to speak to
21 this?

22 MR. YOO: Yes, sir. In terms of my family support
23 while I'm on bail, and as always, they will support me with
24 full residence, like life necessities.

25 However, sir, you do realize that I filed numerous

1 subpoenas regarding, you know, all of the medical, quote,
2 unquote, professionals, law enforcement. So even if my
3 family is rich, I do not think they can, you know, pay for
4 all those subpoenaed.

5 THE COURT: Right. And that is kind of where I am
6 getting on this because I need to understand what your
7 intentions are in that regard.

8 Mr. Haas, can you speak to this?

9 MR. HAAS: Judge, the only thing I can say is, I
10 was minding my own business and I got a phone call. And I
11 think because of my experience on the Calvert case,
12 Judge Mitchell asked me to come over. I did. This was after
13 the hearing. And I was appointed, and I believe that we
14 received a CJA appointment.

15 I have never discussed with Mr. Yoo his financial
16 resources or his family's financial resources, what he
17 intended to do.

18 I know that he had at least two retained counsel,
19 at one time, in succession. And that's all I can tell you.

20 THE COURT: All right. Thank you, Mr. Haas.

21 MR. HAAS: Judge, while I am up here, may I add one
22 other thing?

23 THE COURT: Yes.

24 MR. HAAS: I was just told that there actually is
25 like a pretrial set in this case on November 5th.

1 THE COURT: Okay.

2 MR. COAN: Yes.

3 MR. HAAS: And I may have to ask the indulgence of
4 the Court to move that.

5 THE COURT: We will do everything we can to
6 accommodate your schedule.

7 MR. HAAS: Thank you.

8 MR. YOO: Sir?

9 THE COURT: Yes.

10 MR. YOO: I would like to make one final
11 objection.

12 THE COURT: Yeah, let me -- we are not finished
13 with this financial issue though, because, again, I know you
14 have got some significant family resources --

15 MR. YOO: Yes, sir.

16 THE COURT: -- and I -- I don't know what they
17 provide you in support, but it seems to me that you can get
18 some support from them in terms of trial support.

19 So, you know, if you want to, you know, subpoena
20 dozens and dozens and dozens of people, I certainly will
21 permit you to do that, subject to any motion for protective
22 order from any of those persons who have been subpoenaed.

23 But if you are asking -- if you don't have the
24 financial resources to do that and you are going to ask the
25 Court to issue those subpoenas, we are going to have to go

1 through a process where you can describe for me exactly what
2 the relevancy of their testimony is.

3 MR. YOO: Yes, sir.

4 THE COURT: And I am going to leave it up to you to
5 file a motion in that regard. I think we are all operating
6 under perhaps a cloud of confusion about whether this is a
7 CJA Act case or something else.

8 MR. YOO: Yes, sir.

9 THE COURT: I think Mr. Haas can be appointed and
10 paid for out of CJA funds at the Court's request to serve as
11 Standby Counsel. But whether, given the financial resources
12 that have been described that you have been provided with by
13 your family, I am not sure it is appropriate for the Court's
14 funds to be used for service and compliance with subpoenas,
15 including witness fees.

16 MR. YOO: Yes, sir.

17 THE COURT: So I will look forward to something on
18 that as well.

19 Have I missed anything -- was there something else
20 you wanted to raise, Mr. Yoo?

21 MR. YOO: Yes, sir, I would like to raise one
22 objection regarding Mr. --

23 THE COURT: Mr. Coan?

24 MR. YOO: Should I go to the --

25 THE COURT: You are fine.

1 MR. YOO: I would like to make one final objection
2 in terms of Mr. Coan's statement that I am -- when I say I
3 did not intend to harm -- I do not intend to harm others ever
4 except in self-defense. The right to defend myself is a
5 guaranteed right by the Constitution and the common law.

6 So, basically, unless if I am absolutely
7 necessary -- unless if I absolutely -- it is absolutely
8 necessary for me to use force, I am not going to use force,
9 which is in self-defense.

10 I do believe that proves that Mr. Coan does not
11 respect Defendant's rights guaranteed by common and the
12 constitutional law, and I do -- I do -- I respectfully
13 request the Court to take notice of that objection --

14 THE COURT: All right.

15 MR. YOO: -- and argument.

16 THE COURT: Thank you, Mr. Yoo.

17 Mr. Manley, I have reviewed the Pretrial Services
18 report, and I will hand it back to you at this time.

19 PROBATION OFFICER MANLEY: Yes, Your Honor.

20 THE COURT: All right. Mr. Coan, anything in
21 addition on behalf of the Government?

22 MR. COAN: Your Honor, not on the motion presently
23 before the Court. But -- and I hate it to keep us here any
24 longer. But just to address a housekeeping issue.

25 One of the practical complications of a case

1 involving a pro se defendant is that -- and Your Honor has
2 referenced it a couple of times today, and that is, really
3 the only way for Mr. Yoo to communicate with opposing Counsel
4 and with the Court is by way of filing a motion.

5 And since Judge Mitchell entered her order allowing
6 Mr. Yoo to represent himself, he has made in excess of 60
7 filings with the Court.

8 And the Government's approach to date has been to
9 review each of these filings and try to determine whether or
10 not there is specific relief that has been requested that
11 would require a response on behalf of the Government.

12 And so, unless the Court instructs otherwise, that
13 will be the practice going forward until we reach trial. I
14 just didn't want the Court to wonder why there is not a
15 response filed to each of the 60 to 70 filings that are made
16 by the Defendant.

17 THE COURT: I understand that, and I don't have any
18 concerns with that, Mr. Coan. I would say we ought to
19 endeavor to establish some filing deadline if the Government
20 does want to file a response to something, so that we don't
21 rule on it before the Government has an opportunity to
22 respond to it. Do you want to say five days or --

23 MR. COAN: Well, to date we have just been using
24 the Local Rules with the 14-day response period for those
25 motions where response is required.

1 THE COURT: My concern, I guess, about that is we
2 are fairly quickly approaching trial, and I just -- you know,
3 we will need to deal with some of those motions, you know, on
4 the eve of trial. And I -- you know, I am a little bit
5 concerned about the 14-day deadline.

6 My typical practice in the criminal cases that I
7 have worked on is not to expect the Government to file a
8 response unless we ask the Government to do that. And I am
9 not suggesting we do that here. You all can certainly use
10 your good judgment to respond to whatever you think is
11 appropriate to.

12 If I have a question about something, I certainly
13 can let you know that I would appreciate a response. But it
14 is the timing of it that I am somewhat worried about.

15 MR. COAN: If Your Honor, is agreeable to it, then
16 that arrangement would be acceptable to the Government --

17 THE COURT: Okay.

18 MR. COAN: -- is we would await notification from
19 the Court as to the desire of a response, and then file the
20 response within an accelerated period, whether that is ten
21 days or five days or seven days.

22 THE COURT: That is certainly fine. That is
23 certainly fine.

24 MR. COAN: Thank you, Your Honor.

25 THE COURT: Yes. Thank you, Mr. Coan.

1 Mr. Yoo?

2 Mr. Haas, anything further?

3 MR. YOO: Yes, sir. If I am on bail, I can visit
4 his office and have civilized discussions.

5 THE COURT: Well, thank you, Mr. Yoo. Let me
6 suggest, Mr. Haas as your Standby Counsel is really in many
7 ways going to be your conduit to the United States Attorney's
8 Office.

9 MR. YOO: Yes, sir.

10 THE COURT: So to the extent that you need to
11 communicate in any way, the best way to do it is by filing a
12 motion or filing a response on the docket, and that way we
13 all get to see it.

14 But in any other instance where you feel like you
15 need to have some communication with them, I suggest that
16 Mr. Haas be your first resource.

17 MR. YOO: Yes, sir. I need to have a number so I
18 can reach him with.

19 THE COURT: Well, if Mr. Haas will provide you with
20 his office number, I think he probably keeps regular office
21 hours, and so I would ask him to provide --

22 MR. HAAS: I have, Judge.

23 THE COURT: Yeah, I would ask Mr. Haas to provide
24 you with that.

25 MR. HAAS: Unfortunately, there is something wrong

1 with the telephone connection. My office will not accept
2 collect calls from the Gregg County Jail.

3 THE COURT: All right.

4 MR. HAAS: And I have actually been thinking about
5 this for about the last hour when this first came up. I was
6 wondering what I was going to do if this Court ordered me to
7 give Mr. Yoo my cell phone number because I have never defied
8 a Federal Judge in my life.

9 What I can do -- I think I have come up with a
10 solution -- I think I can get another phone and give Mr. Yoo
11 that phone number, rather than my personal phone number.

12 THE COURT: Is that acceptable to you, Mr. Yoo?

13 MR. YOO: Yes, sir.

14 THE COURT: That will work.

15 MR. YOO: I mean, I do not intend to interfere with
16 him spending time with his family at all.

17 THE COURT: Well, Mr. Yoo, again, I am not going to
18 give you advice, but you clearly have a constitutional right
19 to represent yourself.

20 MR. YOO: Yes, sir.

21 THE COURT: And you have demonstrated repeatedly
22 both to Judge Mitchell and to me here this afternoon that you
23 intend to exercise that right and that you are doing so
24 knowingly and voluntarily.

25 MR. YOO: Yes, sir.

1 THE COURT: However, I strongly encourage you to
2 listen to what Mr. Haas has to say to you. He has a
3 knowledge of the Rules of Criminal Procedure and the Rules of
4 Evidence that we are going to follow in this trial, that you
5 don't have.

6 MR. YOO: Yes, sir.

7 THE COURT: And I think you would do well to listen
8 to his advice.

9 MR. YOO: Yes, sir.

10 THE COURT: Okay. Anything else?

11 MR. YOO: I would like to speak to Mr. Haas
12 privately at the attorney room.

13 THE COURT: I will permit you to do that.

14 Is that --

15 MARSHAL: Yes, sir.

16 THE COURT: We will make those arrangements.

17 All right. We will be in recess.

18 (Hearing adjourned.)
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CERTIFICATION

I HEREBY CERTIFY that the foregoing is a true and correct transcript from the stenographic notes of the proceedings in the above-entitled matter to the best of my ability.

/s/ Shea Sloan
SHEA SLOAN, CSR, RPR
Official Court Reporter
State of Texas No.: 3081
Expiration Date: 12/31/18

October 29, 2018